

Adequate Public Facilities
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Adequate Public Facilities Study

An Analysis of APF/Growth Management Systems

**Prepared for The Montgomery County Planning Department
The Maryland-National Capital Park and Planning Commission**



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ADEQUATE PUBLIC FACILITIES STUDY

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PART ONE: FINDINGS AND CONCLUSIONS

Introduction

The term "growth management" was once widely viewed as merely a euphemism employed by "no growth" proponents. Gradually, the term came to encompass a range of policies designed to control, guide or mitigate the effects of growth. Today, "growth management" is a part of nearly everyone's vocabulary, and it is now common to hear developers, environmentalists and public officials talk in terms of managing growth, although the emphasis is increasingly on "sustainable" or "balanced" growth on a local, regional and global scale.

Over time, growth management practices have come to include any attempt to guide the type, rate, location, timing and often the quality and character of urban development and population growth. By attempting to guide growth rather than react to its effects, communities are assuming a proactive stance in ensuring that the very qualities that attract growth are not destroyed for existing and future generations.

Montgomery County has long practiced a brand of growth management which is founded on the proposition that there are no easy answers, that sound planning strategies must recognize the complex interaction among systems—environmental, communal, economic and political. The County's growth management framework is, therefore, broad and complex. It includes components that address resource preservation, land-use, housing, economic development and a host of physical and social planning issues.

In recent years, the most dynamic component of the Montgomery County growth management

program has been public facility adequacy. The County's facility adequacy policy is codified in the form of an Adequate Public Facilities Ordinance (APFO). The ordinance is implemented by an Annual Growth Policy (AGP) that establishes the amount of development that can be approved each year, without causing adopted level of service standards to drop below acceptable levels.

Because of the complex nature of the AGP, the County planning staff, Planning Board and County Council spend significant amounts of time every year preparing the next year's AGP. The primary objective of this study is to explore how other communities grapple with difficult facility adequacy and growth phasing policy questions. It is hoped that such an analysis will aid the County's consideration of alternatives to the existing AGP preparation and adoption process.

Study Methodology and Overview

This study was initiated in July 1991. During the first phase, a screening survey was conducted. The survey included 19 jurisdictions thought to have APFO/growth management systems similar to the one used in Montgomery County (see Appendix). Of the 17 jurisdictions that responded to the survey, the following seven were selected for more detailed study:

- Aspen, Colorado
- Boulder, Colorado
- Broward County, Florida
- Livermore, California
- Petaluma, California
- San Jose, California
- Westminster, Colorado

This second phase of the study involved a detailed analysis of the policy and administrative aspects of the APFO/growth management system used in each of the seven jurisdictions. Upon completion of those analyses, conclusions and recommendations for improving Montgomery

County's system were formulated. This report contains the results of that study.

Part One compares Montgomery County's APFO/AGP system with those of the other studied jurisdictions in order to highlight alternative approaches that could simplify administration of the County's growth management system. Part Two contains detailed descriptions of the seven case studies. Supporting ordinances and reports from each of the case studies are included in a separate Technical Appendix.

Growth Management in Perspective

The regulation of land-use and other development activities began in earnest in the United States in the early part of the 20th century. Early efforts came primarily in the form of comprehensive planning and zoning controls, and for nearly fifty years, the entire American land-use control experience revolved around those basic tools. Zoning and subdivision regulations did not, however, offer communities the ability to answer fundamental growth management questions—whether public facility capacities exist to absorb additional development and, if so, where that capacity exists within the community.

Clarkstown, New York, began to explore answers to those complex growth management and facility adequacy questions fairly early in the history of

Three types of growth management systems were identified in the study—adequate public facility systems, growth phasing systems and rate-of-growth systems.

land-use regulation. The Clarkstown system, adopted in the early 1950s, imposed a requirement calling for basic public facilities to be in place before a development could be approved. The community's system was the model for the better-known system adopted by neighboring

Ramapo nearly two decades later.

Concerns about the adequacy of off-site public facilities increased greatly in the early 1970s for two unrelated reasons. First, new federal water quality laws resulted in the establishment of moratoria on the issuance of building permits in areas with overloaded treatment plants. The Washington metropolitan area, including parts of Montgomery County, was one area affected by such a limitation. Second, the impacts of rapid growth in some areas led to citizen uprisings against overcrowded schools, congested roadways and other limitations on public services. In some communities, such as Livermore and Boulder, growth limitations were adopted through citizen initiatives. In others, citizen concerns prompted public officials to adopt growth controls.

Growth management systems can be grouped into several categories. For the purpose of this study, three types have been identified: adequate public facilities systems, growth phasing systems and rate-of-growth systems. All three attempt to balance the timing and amount of development with the capacity or willingness of a community to accommodate it.

Adequate Public Facilities Systems require that, in addition to meeting applicable zoning and subdivision standards, new development demonstrate that facilities and services will be available to serve the project at the time that it

comes on-line. Florida has adopted such a standard as state law and calls it "concurrency management" because it requires that needed facilities be available *concurrently* with impacts of the development.

Adequate public facilities controls are in one sense self-administering. A community adopts a level of service standard for each type of facility, and applications are denied if the service demands of a project cannot be accommodated at the adopted service level by existing or planned facilities. In practice, however, adequate public facilities systems are not nearly as simple as they might seem. If planned facilities are included in the capacity analysis, the timing of completion of those facilities must be related to the build-out of the project. On the demand side, development approvals must be tracked to estimate already committed capacity. Nonetheless, these are technical tasks and, once established, such systems can be administered with only periodic or perfunctory policy review, as in Broward County's highly automated traffic concurrency management system.

Growth Phasing Systems are an attempt to address some of the shortcomings of performance-based adequate public facilities systems. Unlike adequate public facility requirements that are administered on a project-by-project basis, growth phasing systems limit the amount of new development that can be approved over a certain period of time, typically one year. A review of systems used in the seven case study jurisdictions analyzed in this study, reveals that San Jose and Westminster use growth phasing systems. Livermore's program is also considered a growth phasing program, although it combines both growth phasing and rate-of-growth elements.

Performance-based controls on public facilities work well with facilities such as arterial roadways, interceptor wastewater lines and schools that serve particular regions and for which capacity must be measured in relationship to proximate demand. These types of facilities can usually be expanded incrementally to serve new development, through the addition of turning lanes, classroom additions and other enhancements. Some facilities, however, such as water and wastewater treatment plants and major commuter highways, serve entire communities and require large capital investments and long-term horizons to expand. Using such facilities as the basis for computation, some communities, such as Westminster, adopted growth phasing systems designed to spread remaining capacity over the time remaining between the present and the probable date of facility expansion.

Adequate public facility systems are not nearly as simple to administer as they might seem.

The *capacity* of a community to absorb growth is a measure that requires continual updating. The opening of a new mass transit station, for example, may generate an increase in transit ridership

and, thereby, an increase in surrounding highway capacity. The construction of new modules at water and wastewater treatment plans can dramatically increase the capacity of those facilities, as well. At the same time, the demand side of the capacity equation must be periodically re-evaluated in light of new data. Dwelling units built in the 1980s did not contain as many people as the 1980 census might have suggested, and, consequently, water demand for such households was typically lower than anticipated. On the other hand, as the number of workers per household increased, peak hour trips per dwelling unit in many areas increased significantly. For these and other reasons, the factors used to measure compliance with growth phasing controls must be updated and re-evaluated on a regular basis, even

though the basic level of service standards by which conformance is measured remain unchanged.

Rate-of-Growth Systems typically have annual development caps similar to growth phasing systems, but are less closely linked to public facility constraints. Despite some claims to the contrary, an analysis of the growth management systems of communities such as Boulder, Petaluma and Aspen reveals that they were adopted with an eye more on locally *desired* rates of growth than on an analysis of facility availability. Facility adequacy may have been a consideration in determining desirable growth rates or in allocating development permits, but it generally was a secondary consideration.

Boulder's existing system is based merely on the computation of a two percent growth rate in the number of dwelling units every year, whereas the Petaluma system is tied to a fixed number of dwelling units, rather than a percentage. In Aspen, the annual growth rate is tied fairly closely to the community's Growth Management Plan, which does contain a great deal of discussion of the need for ensuring that development does not outpace the City's ability to provide facilities and services. Over time, however, the Aspen quota system has evolved into a much more of a "community character" driven system.

Administering some rate-of-growth systems is relatively simple, particularly when compared to Montgomery County's growth management system. For example, Boulder's research and evaluation office simply computes the base number of dwelling units each year (based on the previous year's base plus new construction plus dwelling units in annexed areas) and multiplies by two

Despite some claims to the contrary, the growth management systems of Boulder, Petaluma and Aspen appear to have been adopted with an eye on locally *desired* rates of growth, not facility availability.

percent. In Aspen and Petaluma, the annual number does not change, unless the fixed number of units is amended by the governing body. Consequently, unless a political decision is made to change the underlying policy, such systems require no updating.

Growth management programs must be evaluated in this context—understanding that there are at least three different types of systems, all involving very different planning bases and administrative implications. The Montgomery County program includes elements of two types of growth management systems—adequate public facilities requirements and growth phasing controls.

The Montgomery County System

Montgomery County uses a sophisticated and rather complex system to manage growth. The system includes an effective agricultural land preservation program, a coordinated set of functional and area master plans and a sophisticated system of land development regulations. While recognizing the multi-faceted nature of the existing program, the description here is limited to that part of the total system that deals with the capacity of public facilities to serve growth.

Montgomery County's APFO was added to the subdivision ordinance in 1973. Section 50-35(k) of the Montgomery County subdivision ordinance states:

A preliminary plan of subdivision must not be approved unless the Planning Board determines that public facilities will be

adequate to support and service the area of the proposed subdivision...Public facilities and services to be examined for adequacy will include roads and public transportation facilities, sewerage and water service, schools, police stations, firehouses, and health clinics.

In recent years, the APFO has been implemented by a growth phasing system. In 1986, the County Council passed legislation requiring the Planning Board to prepare an Annual Growth Policy (AGP) to be used as a guide in the Board's implementation of the APFO. The AGP is adopted by the County Council, on the recommendation of the Planning Board and County Executive, before the beginning of each fiscal year.

the County's real planning implementation workhorses. According to the purpose statement of Sec. 33-15, the AGP is intended to give policy guidance on land use development, growth management, and related environmental, economic and social issues. Besides relating the staging ceilings to factors closely tied to adequate public facilities, such as the capital improvements program and policies for promoting mass transit, the AGP has also been used as a tool to achieve land-use objectives outlined in sector plans, as well as jobs/housing balance and affordable housing goals.

The focal point of the AGP is the adoption of "staging ceilings" limiting the amount of new development that may be approved in each policy

The AGP does a lot more than implement the County's APFO. Besides tying staging ceilings to various adequate public facility measures, it has also been used as a tool to achieve sector plan land-use objectives, as well as jobs/housing balance and affordable housing goals.

Among other things, the AGP must include:

- Current level of service conditions for major public facilities;
- An estimate of the service demands resulting from unbuilt but approved subdivisions (pipeline development); and
- Recommended growth capacity (residential and employment land uses) ceilings for each policy area, based on alternative scenarios of future public facility growth.

The AGP has, however, come to do much more than implement the APFO. It has become one of

area during the year. The amount of new development activity in new subdivisions is separated into two categories: residential, based on the number of dwelling units; and nonresidential, based on the number of jobs. This distinction allows the County to use the AGP as a tool to help achieve desired jobs/housing balance objectives.

Since the AGP process was established in 1986, the county has been divided into 17 "policy areas." In the FY 1991 AGP, however, the Council instructed the Planning Board to investigate a restructuring of the policy areas to more closely approximate city boundaries and to create smaller policy areas around Metrorail stations. The Council adopted some of the recommended changes in the FY 1992 AGP, resulting in a total

of 22 policy areas. At that time, the Council also indicated its intention to consider additional policy areas around other Metrorail stations.

The major focus of the AGP has been on transportation facilities, although in some areas of the County school capacities may also be a constraint to growth. In other areas, staging ceilings may be set by the more restrictive limits included in adopted sector plans.

For each policy area, one of six average roadway level of service (LOS) standards is adopted, based on the availability of alternative means of transportation (mass transit). The County Council asked the Planning Board to analyze the possibility of increasing the number of LOS groupings from six to nine but ultimately followed the Board's recommendation to retain the current groupings.

The average roadway LOS standards, along with current traffic counts, estimated traffic from pipeline development, existing and programmed transportation facilities, and jobs/housing balance goals are used to determine the available staging ceilings for additional residential (units) and nonresidential (jobs) development in each policy area.

Road capacities for small projects are based solely on the capacities published in the Annual Growth Policy, but subdivisions that will generate fifty or more peak hour automobile trips are also required to submit traffic impact studies to be considered under a Local Area Transportation Review (LATR) process. During the LATR process, the traffic impact of projects on nearby congested intersections are analyzed. Three LOS standards are used in the LATR, ranging from LOS D to LOS E/F, depending upon the policy area.

There are six major categories of exemptions from the staging ceilings. Places of worship and small-scale subdivisions (projects generating less than five peak hour trips) are exempt from both policy area and local area review. Health care facilities and "loophole properties" (lots recorded or approved prior to 1982) are exempt from policy area review but must meet LATR standards. Finally, special staging ceilings are established for affordable housing projects. These special ceilings allow such projects to exceed the otherwise applicable limits under some circumstances, provided that they comply with LATR standards.

The resulting system ensures that growth, both county-wide and within each policy area, remains in balance with the ability of service providers to deliver services to that growth. It also ensures that services are actually available for each subdivision at each proposed development site. This comprehensive system combines the strengths of the best of the growth management and adequate public facilities (or concurrency management) systems found nationally.

Montgomery County's approach of sub-allocating the development phasing requirements by policy area is essentially unique. While extremely rational and soundly-based, it clearly increases the administrative complexity of the system.

Montgomery County's system combines the strengths of the best growth management and adequate public facilities systems.

Overview of Case Studies

The characteristics of the seven case study jurisdictions and their growth management systems are compared with Montgomery County in the table below. In terms of population size, only two of the case study jurisdictions—Broward County and San Jose—are comparable to Montgomery County. Montgomery County is more than eight times larger than the next largest jurisdiction. While all seven case study areas have experienced relatively rapid development, Montgomery County's residential growth rate was exceeded by only one of the case study jurisdictions.

While four of the case study jurisdictions have APFO/growth phasing systems, none comes close to the degree of technical sophistication and

complexity of Montgomery County's. Broward County's system most closely approximates a "pure" APFO approach, while Livermore, San Jose and Westminster have growth phasing systems that include annual allocations of development approvals. The other three case study communities have rate-of-growth systems that are not directly tied to rigorously-applied adequate public facilities requirements or capital improvements programs.

Broward County

Broward County's concurrency management system poses the sharpest contrast to Montgomery County's growth management system. Both jurisdictions are large, rapidly growing suburban counties experiencing severe traffic congestion,

OVERVIEW OF CASE STUDIES

Jurisdiction	1986 Population ¹	Average Annual Resid. Growth ²	Nature of Growth Management System	Primary Basis for System
Aspen, CO	3,320	0.9%	Rate-of-Growth	Community Character
Boulder, CO	76,480	2.7%	Rate-of-Growth	Community Character
Broward County, FL	1,142,400	3.3%	APFO	Transportation
Montgomery County, MD	665,200	4.0%	Growth Phasing	Transportation
Livermore, CA	53,790	2.9%	Growth Phasing	Air Quality/Character
Petaluma, CA	38,560	3.5%	Rate-of-Growth	Community Character
San Jose, CA	712,080	2.0%	Growth Phasing	Transportation
Westminster, CO	66,800	6.3%	Growth Phasing	Water/Wastewater

¹ Estimated 1986 population (U.S. Department of Commerce, Bureau of the Census, *County and City Data Book, 1988*, U.S. Government Printing Office, 1988).

² Based on ratio of residential building permits issued during 1980-1986 to number of housing units in 1980, excluding mobile homes, hotel, motels and group residential, for all jurisdictions except Aspen (U.S. Department of Commerce, Bureau of the Census, *County and City Data Book, 1988*, U.S. Government Printing Office, 1988). Data for Aspen includes lodge units and indicates actual construction during calendar years 1980-1986 (Aspen/Pitkin Planning Office, *Community Plan, Phase One Report*, January 1991).

**CHARACTERISTICS OF TRANSPORTATION MANAGEMENT SYSTEMS
BROWARD COUNTY AND MONTGOMERY COUNTY**

Characteristics	Broward County	Montgomery County
No. of Policy Areas	1	22
No. of LOS Standards	1	6*
Years of CIP Counted	1	4
Jobs/Housing Balance	No	Yes
Affordable Housing Allocations	No	Yes
Mass Transit Nodes	No	Yes
Sector Plan Inputs	No	Yes
State Law Framework	Yes	No

* For Policy Area Transportation Review. Three LOS standards for Local Area Transportation Review.

and both have adequate public facilities ordinances. Yet Broward County's highly automated traffic concurrency management system is virtually self-administering, while Montgomery County's Annual Growth Policy requires numerous policy decisions to be made by the legislative body on an annual basis. The general characteristics of the two systems are schematically compared in the table above.

**Broward County's system comes
closest to a "pure" APFO
approach.**

One of the reasons for the simplicity of the Broward system is its limited focus. Broward County uses its system to maintain all roadway links in the arterial system at a uniform countywide level of service. It does not use it to implement

other objectives. Alternative level of service standards, for example, are not used in Broward County, which has little mass transit infrastructure in place. Broward's system makes no distinction between jobs and housing, nor does it set aside special allocations for affordable housing.

The need for regular policy review and analysis is also decreased because of Florida's Concurrency Management administrative rules. While the Montgomery County AGP includes projects in the first four years of the CIP in the transportation capacity analysis, Florida law allows only first-year projects to be counted.

Technical issues are also subject to state regulation. It took persistent pressure from Broward County staff, for example, to persuade the Florida Department of Community Affairs to allow the County to use detailed transportation studies, rather than state guidelines, to establish the capacity of individual roadway links. Maryland has

no statewide growth management law, although one was considered during the last legislative session.

In addition, the nature of Broward's automated concurrency management system does not lend itself easily to political intervention. Unlike Montgomery County's system, there are no subarea boundaries that must be determined or changed in the policy arena. Instead of applying one set of LOS standards to policy areas and another set to specific intersections, as Montgomery County does, Broward County applies a uniform LOS to all roadway links, automatically creating temporary moratorium areas, called compact deferral areas (CDAs), around overcapacity links.

The continuous updating of the Broward County traffic model to reflect new development applications and roadway construction contracts also requires less attention to be focused on an annual updating of the system. While projects included in the CIP are inputs into the traffic model, the link between proposed roadway improvements and the removal of CDAs is so direct, and the policy options so few, that annual adoption of the model updates is not closely tied to adoption of the CIP.

Despite the fact that Broward's concurrency provisions are fairly new, the traffic model that forms the basis of the system has been in place for 12 years. During that time, many of problems with the system have been worked out, and it has become accepted by the development community.

San Jose

The City of San Jose has no formal *citywide* growth phasing policy in place, although it has instituted such controls on an *areawide* basis since the early 1970s, when the "Area Development

Policy" was adopted. The only current use of the policy is in the Evergreen planning area on the city's east side. The Area Development Policy concept can apply to any type of facility constraint or geographic area of the city. In the Evergreen area it constitutes a residential development permit allocation system based on transportation capacity.

The San Jose program has been easy to implement because it applies to only one area of the city.

The system targets residential development because of the fact that it is intended to address peak-hour traffic congestion associated with commuting patterns in the area. Since there are no major employment centers within the Evergreen area (and none could realistically be developed under the City's Land-Use Plan), it is believed that limits on residential development represent the only reliable means of ensuring adherence to adopted transportation LOS policies in the area.

As in Montgomery County, available roadway capacity under the Area Development Policy approach, is determined after consideration of LOS standards, traffic counts, projected traffic from projects in the pipeline and existing and planned transportation facilities. The San Jose program has been very easy to implement, however, because it applies to only one defined geographic area.

The overriding goal of the Evergreen Area Development Policy is to maintain an average of LOS "D" for the six major "screening" intersections that bound the study area. Traffic impacts that are internal to the Evergreen area are addressed on a project-by-project basis during the development review process, at which time project impacts and any required mitigation measures, including impact fees, are identified by staff.

To determine traffic capacity limits under the Evergreen policy, staff simply conducts annual traffic counts at all "screening" intersections and calculates LOS on a weighted average basis. Not surprisingly, in light of the fact that the residential/nonresidential land-use mix within the Evergreen Area hasn't changed dramatically over the years, staff's annual analysis of intersection traffic data rarely yields a finding of "extra" capacity. Absent major transportation improvements in the area (the last one was a new screening intersection, bringing the current total to six) or the expiration of pipeline approvals, no new development allocations are made.

Two factors may help to explain why the Area Development Policy concept has not been applied in other areas of the community: reliance on impact fees and other "mitigation measures" to address the public facility demands associated with new development and reliance on negotiated project-by-project reviews and generalized LOS policies.

Westminster

Westminster's growth phasing system was designed to address capacity constraints in the City's water and wastewater systems that occurred in the late 1970s. In mid-1977, the City found that it had the capacity to serve only about 2,900 new dwelling units over the 2½ years before improvements would be completed to expand the wastewater system. The City had just issued 1,000 building permits for new dwelling units in the first quarter of the year, and estimated that an additional 28,000 dwelling units could be built in already approved

subdivisions and PUDs. The City was also relying heavily on revenue from "tap fees" to help pay off its bonded indebtedness for previous water and wastewater improvements. Since the tap fees generated millions of dollars a year in revenues for the City, maintaining a steady rate-of-growth was a top priority for local officials.

It was in this context that the City adopted its first growth management program. It was designed to phase development over the 2½-year period that remained before new capacity would be available. The program established the number of water and wastewater "service commitments," based on a single-family unit equivalent, that were to be granted each year. Both residential and nonresidential development are subject to the program.

Unlike Montgomery County's approach, Westminster's growth phasing system does not involve estimates of "pipeline" development, since there are no exemptions and no building permits can be issued unless sufficient service commitments have been awarded to the project. Service commitments are, however, valid for up to two years and must be tracked.

Despite that fact that parts of the community are served by two entirely separate sewage treatment systems (one belonging to the City and the other to a regional entity), the City decided not to establish annual service commitment allocations for geographic subareas. The centralized nature of the constraining facilities and the small size of the community (27 square miles versus 495 for Montgomery County) may also have made location less important to Westminster's growth phasing system.

Westminster's growth phasing system does not involve estimates of "pipeline" development, since there are no exemptions and no building permits can be issued unless sufficient service commitments have been awarded to the project.

Montgomery County's "first come, first served" growth phasing system is modified by geographic allocations, jobs and housing allocations, exemptions, special allocations, and varying levels of service to ensure that it accommodates other community goals. In contrast, Westminster's program accommodates other community goals with allocations for categories of project types and competition for those allocations within categories. Allocations to project categories give preference to projects already in progress and special categories such as affordable housing.

Review criteria used to award allocations within categories give preference to projects completing line loops and critical collector roads, those offering extra water conservation or otherwise helping the City to meet basic goals given priority. In addition, the review criteria actively promote a diversification of the market—the addition of more jobs, an increase in shopping opportunities and an increase in the variety of housing types. When the initial growth management program expired and was readopted in 1980, the criteria used for awarding service commitments in the competitive process were revised to place a greater emphasis on the design quality of projects.

Livermore

Livermore's growth phasing system, known as the *Housing Implementation Program* (HIP), is intended to implement community growth management and housing policies. The program applies citywide, although due to the fact that the community is still largely residential in nature with no real industrial or employment base, it does not apply to nonresidential development.

Livermore's decision to exempt nonresidential development from the growth phasing system can be viewed as an alternative approach to Montgomery's method of implementing jobs/

housing goals. Since Livermore doesn't currently face public facility capacity limitations, they have simply chosen to tip the balance toward employment and community-serving land-uses by exempting nonresidential development from the regulatory system. Presumably, when the community begins to approach desired balance levels or confronts impending capacity shortfalls, it, too, will be forced to confront the question of whether different types of development should be subject to allocation ceilings.

In Livermore, a new HIP is adopted by the City Council every three years and includes three basic components: 1) a maximum residential growth rate for the three-year HIP period (the City's *General*

Because it's largely a bedroom community with excess capacity, Livermore can address jobs/housing balance by exempting nonresidential development from the system. Such a simple response is not available to Montgomery County.

Plan requires that the rate be set at from 1.5 percent to 3.5 percent per year); 2) an identification of the type and location of residential development that is to be encouraged during the period; and 3) the criteria used in allocating development approvals. The HIP is adopted after consideration of a number of issues, including community facility and service capacities, environmental constraints, housing needs and employment growth.

Each HIP establishes growth management criteria that remain fixed for the ensuing three-year period. The approach allows the City to implement planning objectives by targeting specific types of residential development and specific areas of the

community for preferred allocation status. This approach, particularly its geographic area focus, is a variation on Montgomery County's method of allocating development phasing ceilings to various subareas.

As in Montgomery County, the first step in the establishment of Livermore's three-year HIP, involves the planning staff's preparation of a background report that contains historical and technical analyses of the factors to be considered in the new HIP. Specific public facilities and services that have been monitored and evaluated in the past include water, wastewater, air quality, traffic, parks and open space, schools and emergency services. The HIP preparation and adoption process takes about six months to complete. The process includes a detailed consideration of policy

Aspen

As a rate-of-growth system driven by community character issues and policy concerns less tangible than facility availability, Aspen's system does not appear to have many elements that are transferable to Montgomery County. Aspen's *Growth Management Quota System* (GMQS) works to allocate a very limited supply of residential and nonresidential permits on an annual competitive basis. The quotas were originally established in 1977 as means of implementing the community's *Growth Management Policy Plan*.

The City's growth management plan was founded on concerns about the adequacy of public facilities and the ability of the community to "keep up" with mounting growth pressures, yet the quota system

Livermore addresses difficult policy issues within a relatively "slow growth" community value context, a fact that helps to partially explain why their program is so much easier to administer and implement.

issues by a citizen committee, as well as Planning Commission and City Council workshops and hearings.

While the Livermore system has not been driven by pure public *facility* adequacy concerns, difficult policy issues are addressed during the HIP adoption process. Those issues, however, are tackled within a growth management and community value context that can be characterized as "slow growth," a context that is relatively intolerant of pay-as-you-grow philosophies. It is important to note, for example, that California's Proposition 13 virtually prohibits increases in property tax rates, a fact that helps to explain some cities' reluctance to encourage growth that may require public expenditures to finance needed facility improvements.

has sometimes strayed from those goals. In fact, quota levels have been modified over the years with only passing regard to the growth management plan's adopted policies.

The quota system awards points to projects on the basis of a number of criteria, including the availability of services and facilities. No regular monitoring of facility capacity or capital improvements programming is performed by the City, however. The lack of attention to capacity concerns is, ironically, a function of the effectiveness of growth management in Aspen. After all, a community with an annual quota of 39 dwelling units and 25,000 square feet of nonresidential floor space is not likely to be constantly pushing the facility adequacy envelope.

Petaluma

The Petaluma "Residential Growth Management System" is one of the best-known growth management programs in the country. However, it is an early (essentially 1972) rate-of-growth program that is of much less interest today than when it was adopted.

As the name suggests, the Petaluma program regulates only residential development. It has never been tied to adequate public facilities or other performance standards. Although the City has used public facility concerns to defend the system against legal challenge, the only court that considered the case on its merits found that any public facility problems were essentially contrived by the City to justify its system.

Unlike the true growth management systems, the Petaluma program requires no updating—the number of units permitted each year remains the same, regardless of what may have happened in the community. From the day that it was adopted, when the City was about 60 percent of its present size, the program has permitted a rolling average of 500 new residential dwelling units per year.

The control point in the Petaluma system is the "tentative map," or preliminary state in the subdivision review process. That is between the control points in the other systems, which range from the earliest plan approvals to building permits.

Although the system was under great pressure in the early years, that pressure has not continued steadily. If the maximum 500 building permits had been issued each year, Petaluma's population would be approaching 65,000, instead of the 1991 population of 43,500.

Boulder

Boulder's Residential Growth Management Program was based on the Petaluma system. It is slightly more sophisticated than the Petaluma system in that it uses a two percent annual rate of growth in residential units as the basis of its "rate-of-growth" concept, rather than the flat 500 units used by Petaluma.

Although the Boulder system is not driven by adequate public facility concerns, it is part of a much larger (and longer) planning effort that dates to 1956, when the City first established its "blue line" limit on urban growth. Other elements of planning and implementation in Boulder include a sales tax dedicated to open space acquisition, an aggressive program of acquiring competing public service providers, and a long tradition of joint planning with Boulder County.

Originally called the "Danish plan," the Boulder system was adopted by citizen initiative in 1976. The program was revamped in 1985 and remains in effect today. The principal effect of the 1985 revision was to switch from a "merit system" of competitive allocation of building permits to a straight pro-ratio of the permits among competing users. This change greatly simplified the administration of the system, following nine years of complex design-oriented competition.

The system itself is updated annually by the City's research staff, which re-computes the base number of dwelling units (adjusting for construction, demolition, annexations and other actions) and multiplies by two percent to establish the allocation for the ensuing year. Colorado's real estate market has been in a slump for several years, and requests for permits have not approached the limit recently.

Analysis and Recommendations

The complex process of preparing and adopting the Annual Growth Policy is, to a certain extent, inherent in the multi-faceted nature of Montgomery County's sophisticated growth management system. In addition to ensuring the provision of adequate public facilities, the AGP is also designed to accommodate and advance other growth management objectives, including the promotion of mass transit and other alternatives to automobile travel, the attainment of a preferred jobs/housing ratio and the provision of affordable housing. Integrating these diverse objectives into a single growth policy is good planning practice, but it also greatly increases the complexity of administering and updating the system.

Keeping multiple growth management objectives in balance within a changing environment virtually dictates regular adjustments, particularly in the early years of a new system. Refinements to the AGP system over the five years it has been in existence, however, suggest that the time may now be right to move toward a more stable system that does not involve major policy changes on an annual basis. Such a shift could include the following components:

- Codifying the major components of the AGP in a legislative framework;
- Allowing technical procedures to be formulated as administrative rules;
- Reviewing annual staging ceilings primarily for conformance with ordinance and technical requirements; and
- Scheduling major policy reviews (those that change the legislative framework) at longer (three- to five-year) intervals.

Much of the material currently contained in Montgomery County's Annual Growth Policy should be contained in a basic growth management ordinance that continues in effect from year to year. All of the definitions and procedural provisions and many of the "Guidelines for Administration" should be included in that basic ordinance.

The other communities surveyed all operate under continuing ordinances with some sort of limited annual update. Several communities surveyed here have also used sunset provisions in order to schedule periodic reviews of their systems. The original Boulder system expired in 1985, and was re-adopted with significant technical and policy changes. No community, however, has placed itself in Montgomery County's position of having to re-adopt most of the program annually.

The basic Growth Policy ordinance would not have to include all of the technical procedures and guidelines for administering and updating the staging ceilings. It would not be necessary, for example, to codify the guidelines for Local Area Transportation Review adopted by the Planning Board. This would allow them to be modified on a less than annual basis, as unforeseen circumstances arise. The ordinance should also not include the policy area boundaries, since they will have to be modified almost yearly as new Metrorail stations are completed.

In the absence of annual policy changes, the annual preparation of the staging ceilings largely involves technical work by the professional staff of the Planning Board. While the employment and housing caps should continue to be adopted by the County Council on an annual basis, legislative oversight could be restricted to a review for compliance with the requirements of adopted ordinances or rules.

Staff can and should be instructed to raise any policy issues arising from the analysis separately and to include in the resolution only the technical analysis now generally shown in tabular form in the Annual Growth Policy. Westminster, Colorado, uses this model effectively—simply adopting annual allocation figures by resolution under a basic ordinance that continues in effect.

There is obviously a close link between the AGP and the CIP in Montgomery County, and the County Council will no doubt continue to desire to see the various staging ceiling scenarios that result from different CIP packages. The AGP process would be simplified, however, if scenarios did not also have to be created for changes in the policy framework of the growth management system.

Policy amendments, such as changes in the LOS standards, are planning decisions and should be based on a reasonable planning cycle. There is little reason to change these types of policy standards more often than once every three years. With the County's system of master plans and sector plans, it may make sense to schedule particular policy areas for updating each year.

The County could also update particular subject matter each year—for example, transportation one year, schools and public safety the next, water and wastewater the following year, and so on. Work on this updating could proceed on a separate cycle from the staging ceiling analysis, thereby spreading the staff workload and allowing the two sets of issues to be taken to the Planning Board and County Council at separate times. If this is viewed as part of the planning process, rather than part of the AGP, it could be integrated into Montgomery County's established planning procedures.

Although the determination of level of service standards appropriate to areas with different mass transit availability requires some judgement, here too major policy changes could be restricted to suitable planning intervals. The planning staff appears to have developed sufficiently reliable quantitative methods to allow them to (administratively) make any interim LOS adjustments needed to reflect new transit availability. As with the staging ceilings, legislative oversight could be restricted to a review for compliance with technical requirements.

Montgomery County's growth management system necessarily requires annual updating to reflect changes

in both programmed improvements and pipeline approvals. Major policy changes, however, do not need to be made on an annual basis. While the complexity of the system requires considerable staff resources for the annual update, putting major policy reviews on a separate, longer planning cycle would simplify administration of the system.

RECOMMENDED FRAMEWORK

- **Codify the AGP's major components**
 - **Formulate technical procedures as administrative rules**
 - **Schedule major policy reviews at three- to five-year intervals**
 - **Review annual staging ceilings primarily for conformance with ordinance and technical requirements**
-

PART TWO: CASE STUDY DESCRIPTIONS

ASPEN, COLORADO

Growth Management Quota System

Background

Shortly after adoption of the first comprehensive plan for the Aspen/Pitkin County area in 1966, the City and County entered an era of rapid growth and development that was to last into the mid-1970s. During the area's peak boom years of 1967 to 1973, the City and County experienced annual population increases of 12-15 percent per year, while the area's multi-family housing stock increased by just under 20 percent annually. The table below provides a summary of other indicators of the 1967-1973 Aspen/Pitkin County growth boom.

The City and County responded to the boom quickly and in several ways. It wasn't until adoption of the *Growth Management Policy Plan* (GMPP) in 1977, however, that formal growth controls were instituted in the area (although the *Growth Management Policy Plan* actually covers both Aspen and Pitkin County, this analysis covers only the City). While a number of planning policies and sophisticated regulatory programs were in place by the time of its adoption, the GMPP articulated a new and concise growth management strategy for the Aspen/Pitkin County area. Conceived in an era when growth management was still in its infancy, Aspen's system is remarkable for its longevity and far-reaching regulatory effects.

Scope

The GMPP was both an extension of and a departure from previous plans for the Aspen/Pitkin

County area. It focussed primarily on the development of a growth policy framework that would guide future decision-making within the physical planning context established by the community's *General Plan*. The GMPP sought to address quality of life and community balance concerns through the establishment of two broad growth management goals:

1. To preserve the environmental and social quality of life to which residents have become accustomed; and
2. To obtain a development balance in harmony with the fiscal capabilities and public service capacities of the community.

As a means of advancing those goals, the GMPP established three broad policies governing growth rates, development patterns and community services and facilities. The GMPP's original growth rate policy called for implementation of the following annual development quotas:

- 39 Residential Units
- 18 Tourist (Lodge) Units
- 24,385 Sq. Ft. of Commercial Development

ASPEN BOOM YEARS: 1967-1973

Indicator	Annual Growth Rate (%)
Population	12 - 15
Employment	14
Skier Visits	10 - 22
Multi-Family Units	19
Single-Family Units	6 - 8
Highway 82 Traffic	17
City Budget	19

The community development patterns policy addressed desirable urban growth limits, ski area expansion and employee housing demand. The urban containment component of the community development patterns policy was designed to ensure the efficient provision of public facilities and services by discouraging growth outside the Aspen and Snowmass urban centers. The ski area component of the development patterns policy was designed to guide future decision-making regarding the expansion and development of new ski areas. The employee housing component of the community development patterns policy addressed the tremendous unmet demand for affordable employee housing units in the Aspen area.

The community services policy of the *GMPP* addressed the public facility and service impacts associated with new development. The policy called for implementation of a pay-as-you-grow approach to public service provision and placed the responsibility for funding new facilities, including employee housing units, with the development that generated the need for expansion. Facility

adequacy concerns were the driving force behind the *GMPP*, although once instituted, the growth management system was used more as a tool to preserve the area's unique character.

Description of System

After adoption of the *GMPP*, the *Growth Management Quota System* (GMQS) quickly assumed the role of the plan's primary implementation vehicle and, although the program has undergone a number of adjustments since its inception, it continues to form the regulatory backbone of the entire Aspen/Pitkin County development regulation and growth management system.

Aspen's GMQS is a points-based development quota system that works to allocate a fairly limited supply of residential and nonresidential permits on an annual competitive basis. The quota levels were originally established in the 1977 *Growth Management Policy Plan*. Since that time, the

EVOLUTION OF ASPEN'S GROWTH MANAGEMENT QUOTA SYSTEM

Year	Annual Quota	
	Residential	Commercial
1977	39 Permanent Dwelling Units + 18 Lodge Units	24,000 Square Feet (applied to 2 districts only)
1982	39 Permanent Dwelling Units + 35 Lodge Units	10,000 Square Feet in C-C/C-1 Districts; 7,000 Sq. Ft. in NC/SCI Districts; 4,000 Sq. Ft. in Office District; 3,000 Sq. Ft. in Other Districts (24,000 Square Feet Citywide)
1983	39 Permanent Dwelling Units + 45 Lodge Units	No Change
1988	No Change	8,000 Square Feet in C-C/C-1 Districts; 6,000 Sq. Ft. in NC/SCI Districts; 4,000 Sq. Ft. in Office District; 2,000 Sq. Ft. in CL and Other Districts (20,000 Square Feet Citywide)
1989	39 Permanent Dwelling Units (of which 22 are set aside for affordable units) + 22 Lodge Units	No Change

GMQS EXEMPTIONS

EXEMPT ACTIVITY	CONDITIONS
ELIGIBLE FOR EXEMPTION BY PLANNING DIRECTOR	
Remodeling and Reconstruction	No new floor space or dwelling units.
Historic Landmarks	Increase in FAR or net leasable area is permitted in historic commercial buildings; not both. A maximum of one dwelling unit or three lodge units may be created through enlargement. Change in use of building is permitted if no FAR increase.
Single-Family, Detached and Duplex Units	Applies only to vacant lots legally created prior to 11-14-77.
ELIGIBLE FOR EXEMPTION BY PLANNING COMMISSION	
Commercial and Office Expansion	Up to 500 sq. ft. increase in net leasable area permitted if demonstrated that impact will be minimal.
Change in Use	Any change among residential, lodging and commercial classifications if demonstrated that impact will be minimal.
Historic Landmark	Increase in FAR and net leasable area is permitted in historic commercial buildings. A maximum of one dwelling unit or three lodge units may be created through enlargement. Mitigation of project impacts is required.
Accessory Dwelling Units	Maximum of one per dwelling unit. Mitigation required.
ELIGIBLE FOR EXEMPTION BY CITY COUNCIL	
Lot Split	Up to one detached single-family unit on vacant lot created by legal lot split prior to 11-14-77.
Essential Public Facilities	Applies to development that serves essential public service, provides facilities to support growth and serves the needs of the city. Does not apply to commercial, lodge or other development that is a growth generator.
Affordable Housing	Deed restricted pursuant to housing guidelines.
Accessory Units in Mixed Use Projects	Must be bona fide accessory use serving an integrated, mixed use project. Mitigation of project impacts is required.
Affordable Housing Zone District	Up to 14 free market dwelling units per year.

local planning staff has conducted annual assessments of the system's performance relative to the *GMPP's* goals. As a result of those studies, the GMQS has been revised a number of times over the past 15 years.

Besides the quota levels themselves, the exemption provisions and project development (scoring) standards constitute the most important elements of the GMQS. A number of activities and

development types are exempted from the quota system, including remodeling and reconstruction activities; historic landmark properties; affordable housing development; accessory dwelling units; and two-lot subdivisions of lots platted prior to adoption of the GMQS.

Since adoption of the GMQS, exemptions (both the types and number) have constituted the one really remarkable component of growth in Aspen.

Exemptions categories have grown largely in response to identified community needs for certain types of development activities. Since the competitive evaluation system can be rather cumbersome, and because needed projects (particularly affordable housing) often tend to not fair well under the points-based competitive system, the City has determined that the best incentive for certain types of development is to exempt them from the system.

This approach has caused some problems due to the fact that certain forms of exempt development have had adverse impacts on the community. Since the GMQS is used to ensure quality design,

as well as allocate permits, exemptions have sometimes represented the loophole through which projects of "substandard" design have entered the City.

The development standards section of the GMQS sets out the scoring criteria for projects under the residential, commercial and lodge quotas. Under the scoring system, projects are assigned points by the planning commission in relationship to their compliance with development criteria point schedules. In order to be eligible for permit allotments under the GMQS, projects are required to meet minimum scoring thresholds for each scoring criterion. Projects that meet minimum

RESIDENTIAL DEVELOPMENT SCORING SYSTEM

Public Service and Facility Availability

Up to 12 points possible—two each for water, wastewater, drainage, fire, parking and road—depending on whether development requires new facilities at increased public cost (0 points); can be served by existing facilities or new facilities that will serve only the subject project (1 point); or will result in improvement/expansion of facilities that will benefit larger area (2 points).

Design Quality

Up to 12 points possible—three each for neighborhood compatibility, site design, trails and open space.

Resource Conservation

Up to six points possible—two each for energy, water and wastewater and air—depending on whether development fails to meet Code requirements (0 points); meets Code standards (1 point); or exceeds Code requirements (2 points).

Proximity to Support Services

Up to six points possible—three each based on proximity to transit and commercial facilities.

Affordable Housing Provision

Up to 20 points possible, based on the percentage of units restricted to low, moderate and middle income occupancy.

Bonus Points

Up to five points may be awarded to projects that greatly exceed the residential development standards.

threshold levels compete against one another for the available permit allotments.

The **residential** development scoring system awards points to projects on the basis of five criteria—public service and facility availability, design quality, resource conservation, proximity to support services and affordable housing provision. Under the scoring system, bonus points can be awarded to projects that greatly exceed the development standards.

In order to be eligible for permit allotments under the GMQS, residential projects must receive at least 34 points, at least 14 of which are from the "public service and facility availability," "design quality," "resource conservation" and "proximity to support services" criteria of the scoring system. Residential projects must also receive at least seven "affordable housing" points.

Three scoring criteria are used in the **commercial** development scoring system—public service and facility availability, design quality, and affordable housing provision. Bonus points are available under the commercial scoring system.

Commercial projects are required to receive at least 26 points, 14 of which must come from the "public service and facility availability" and "design quality" criteria of the scoring system. Commercial projects must also provide affordable, deed-restricted housing for at least 60 percent of the employees generated by a proposed project.

The **lodge** development scoring system awards points to projects on the basis of six criteria—Public Service and Facility Availability; Design Quality; Resource Conservation; Guest Amenities; Preservation/Rehabilitation of Existing Units; and Affordable Housing provision.

COMMERCIAL DEVELOPMENT SCORING SYSTEM

Public Service and Facility Availability	Up to ten points possible—two each for water supply/fire protection, wastewater, drainage, parking and public transportation/road—depending on whether development requires new facilities at increased public cost (0 points); can be served by existing facilities or new facilities that will serve only the subject project (1 point); or will result in improvement/expansion of facilities that will benefit larger area (2 points).
Design Quality	Up to 18 points possible—three each for neighborhood compatibility, site design, energy conservation, project amenities, visual impacts and screening.
Affordable Housing Provision	Up to 15 points possible, based on the number of housing units provided to meet employee needs generated by the project.
Bonus Points	Up to four points may be awarded to projects that greatly exceed the commercial development standards.

In order to be eligible for permit allotments, lodge projects must receive at least 63 points, 42 of which must come from the "public service and facility availability," "design quality," "guest amenities" and "resource conservation" criteria of the scoring system. Lodge projects must also provide affordable, deed-restricted housing for at least 60 percent of the employees generated by the proposed project. Projects located in the City's Lodge Preservation district must receive at least nine points under the "preservation and rehabilitation criteria of the scoring system.

Relationship to Development Review Process

Growth management allotments are the first step in Aspen's land development process. Three separate annual deadlines apply to the submittal of residential, lodge and commercial quota requests. Applicants may submit other development requests concurrently with the their applications for allotments, and, according to local planners, most do. Developers cannot, however, submit any other applications for development approval prior to being awarded or submitting an application for an

LODGE DEVELOPMENT SCORING SYSTEM

Public Service and Facility Availability	Up to ten points possible—two each for water, wastewater, drainage, fire protection and roads, depending on whether development requires new facilities at increased public cost (0 points); can be served by existing facilities or new facilities that will serve only the subject project (1 point); or will result in improvement/expansion of facilities that will benefit larger area (2 points).
Design Quality	Up to 36 points possible—three each for architectural design, site design, parking and traffic circulation and visual impacts.
Resource Conservation	Up to eight points possible—two each for energy and water and wastewater; up to four for air—depending on whether development fails to meet Code requirements; meets Code standards; or exceeds Code requirements.
Guest Amenities	Up to 21 points, based on availability of common meeting areas, on-site dining facilities and on-site recreational amenities.
Preservation and Rehabilitation of Existing Units	Up to 15 points, depending on number of units rehabilitated.
Affordable Housing Provision	Up to 20 points possible, based on the number of housing units provided to meet employee needs generated by the project.
Bonus Points	Up to five points may be awarded to projects that greatly exceed the lodge development standards.

allocation. The one exception to this "allocation-first" rule, is in the City's downtown core area, where prospective developers must first take their proposal to the Historic Preservation Commission before submitting a growth management request.

Taking projects to the Preservation Committee prior to GMQS submittal has caused one unforeseen problem—exposing projects to public review prior to consideration for allotments removes the "blind" competitive thrust of the GMQS. According to Aspen planners, this problem will be addressed in the next round of GMQS amendments.

Administration

Local planners estimate that a typical round of GMQS applications in any one category (residential, lodge or commercial) will complete the entire review and approval process in three to four months. This includes the time to conduct the reviews necessary to process consolidated (GMQS, subdivision and other approvals) applications.

Three full-time equivalent (FTE) planners are usually involved in the review of GMQS requests. The most intensive staff work occurs in the first four to six weeks after application submittal, when it is estimated that the three FTEs spend up to 30 percent of their time reviewing the applications and preparing necessary backup material. Since there are three GMQS reviews each year—one each for residential, lodge and commercial development—that translates into an estimate of one FTE for approximately 14 weeks every year.

In addition to the staff time required to conduct project reviews and process applications, annual update and GMQS monitoring activities require additional staff resources. In recent years, update and monitoring activities have required the services of one full-time employee for about four weeks per year.

BOULDER, COLORADO

Residential Growth Management System

Background

Boulder is a university community, located northwest of Denver at the foot of the Rocky Mountains. It is the home of the University of Colorado, one of two research universities in the state. Boulder residents have long taken pride in their community's quality of life and have sought to preserve it over the years through a variety of planning and growth management measures.

The City's first foray into the growth management arena occurred in 1958, when an imaginary "blue line" was drawn around the City at points averaging 400 feet above its 5,250-foot elevation. The blue line is some 100 feet below the City reservoir's mean water level and works to limit the provision of water service to an area below the line. Since Boulder's water flows from the mountains by means of gravity there was a very practical reason for limiting water service to lower elevations.

The blue line also served the purpose of protecting the spectacular foothills from the clutter of development that might spoil the view from the city. The community took aggressive steps to control the water supply and eliminate competing providers, ensuring that no public water would be available in area not served by the City. While the policy has been effective in keeping development out of the mountains, it could not control growth on the lower elevations.

Interest in planning and preserving the character of the community continued through the 1960s, and in 1967, the community adopted a one percent sales tax, 40 percent of which was earmarked for open space purchases and the rest for road

improvements. Over the years, the tax money has been used to acquire nearly 20,000 acres of open space, including a large greenbelt around the city. The open space acquisition program was supplemented with another one-third-cent sales tax in 1989 and remains in effect today.

At the beginning of the 1970s, the City tightened its land-use and annexation policies and adopted a policy requiring developers to pay for new public facilities. The City also entered into a joint planning agreement with Boulder County, resulting in the adoption of the Boulder Valley Comprehensive Plan in 1970. The Boulder Valley plan charted much of the basis for subsequent growth control efforts. Those included a charter amendment in 1971, imposing three tiers of height limits on areas of the City and a 1972-agreement by the Chamber of Commerce to slow growth by curtailing its industrial recruitment activities.

It was the 1976 Danish Plan, named for activist and council member Paul Danish and adopted by citizen initiative, that created the formal growth management framework in Boulder. The goal of that plan was to reduce the City's growth rate to a level below the three percent annual rate experienced in the early 1970s to the 1.5 percent to two percent range. The initiative was adopted in November 1976. Some 900 building permits were issued while the referendum was pending, but the annual rate was then reduced to approximately 450.

The Danish plan itself was modeled on the Petaluma plan, and the Petaluma planning director was subsequently hired as Boulder's planning director. Although Boulder used a percentage of growth rather than a flat number, the basic concept of the two systems is very similar. The City's original growth management program expired in 1982. A very similar program remains in effect today, due to adoption of a subsequent ordinance in 1985. The two percent limit still applies.

Despite the obvious similarities between the Boulder and Petaluma systems, there are significant differences. First, the actual number of units permitted changes annually, remaining a constant percentage rather than a constant number. In contrast, Petaluma's percentage has shrunk significantly, while the number has remained constant for nearly two decades.

Far more important than that simple numerical difference, is the fact that the Boulder system, like the one in Montgomery County, has always been part of a much larger program of planning and plan implementation. The publicly-owned greenbelt around the City that was only a dream when the growth management program started is now a reality. There is a long history of cooperative planning efforts between the City and County, a cooperation that is permitted but certainly not mandated under Colorado law. The City has aggressively kept others out of the public service business in its area, thus ensuring that critical water and wastewater services would be available only where the City wanted development.

The City has aggressively worked to preserve its downtown area and to support expansion and modernization of a well-located mall near the downtown area. Through such efforts, it has limited fringe area commercial development and maintained a vital commercial core. Like many other university communities, it has an excellent mass transit system, fueled in part by the typical frustrations of parking around a college campus.

In summary, the success of planning in Boulder has involved much more than implementation of a growth management system. It has involved a complex and comprehensive program with many elements and many players. The growth management system itself, which actually limited growth in only a handful of years and which has little direct impact today, is only a very small part of that larger system.

Scope

Boulder's growth limits apply only to residential development. Other policies, such as the open space acquisition program, buildings height limits and the "blue line," have both direct and indirect effects on commercial and industrial development. The Chamber's non-recruitment policy toward new industry remains in effect today.

Relation to Development Review Process

In Boulder, review for compliance with the growth management ordinance occurs at the building permit stage. There are, however, various limits that apply to each "development," which is generally a subdivision or planned unit development project.

A developer cannot easily move the review to an earlier stage in the development process for two reasons. First, one of the conditions for granting a building permit allocation is that the annexation ordinance or rezoning ordinance must have passed first reading or the preliminary plan or PUD plan must have been approved, as applicable. Second, the allocation is only good for three months, during which the applicant must apply for a building permit. After receiving the building permit, the normal six-month expiration period presumably applies. Thus, the development must be well into the process before the permit allocation takes place.

Description of System

There is no public facility capacity and demand analysis under the Boulder growth management system. The system has never been driven or even influenced by, the availability of public services. Public services—primarily water service—have

been used as tools of the program, but they are not driving forces behind it.

Only the actual number of building permits to be issued is updated annually. That updating is conducted by the City's Department of Research and Evaluation. The Department computes the current number of dwelling units in the city, based on the previous year's total plus new construction plus any units added by annexation, less any demolitions, and takes two percent of that total. Unused allocations (up to 200) from the previous year are carried over into the new total. The process is very simple and, according to local staff, requires little staff time.

There is an exemption for low-income dwelling units approved by the City Housing Authority and an exemption for a limited number of moderate housing units (the latter exemption expired December 31, 1990 and has not been extended). There are also exemptions for lots platted prior to the adoption of the Danish Plan, student and faculty housing projects built by the University and, subject to special review, for historic buildings, some mixed-use projects and group homes. The initial recommendation on allocations is made by staff. Developers may appeal to the Planning Board.

Administration

The administration of the updating process is very simple, as indicated above. The process for the issuance of building permits has also been relatively simple since 1985. Under the original program, there was a competitive process for new permits that involved a relatively intensive review process on the "merits" of projects, including design quality. That process was quite intensive and required significant staff time.

When the system was revised in 1985, the new ordinance included a pro-rata system. The City's ordinance explains it succinctly:

For each allocation period, the number of building permit allocations to be awarded to each development shall be equal to the number of allocations requested for that development multiplied by the total number available in that allocation period, divided by the total number of allocations requested in that allocation period. [§ 9-6-7(c)]

According to the City Manager's agenda memo accompanying the 1985 ordinance, the pro-rata method was recommended by the Planning Board, "based upon the almost unanimous support for the sole use of the prorated method by the building community." The original system was very complex to administer. It involved a design competition with point ratings on a number of different criteria. Although it led to some innovative designs, including some interesting mixed-use projects, it clearly frustrated developers and consumed large quantities of staff time.

As a consequence of the City's move to a pro-rata allocation system, however, the administration of the review process is now, like the updating process, basically a simple mathematical exercise. The process is conducted quarterly, with application dates on the first days of February, May, August and November. The calculation has been greatly simplified in recent years, because demand has been less than supply and no pro-ration has been necessary.

BROWARD COUNTY, FLORIDA

Traffic Concurrency System

Background

Broward County is a highly populated urban area of over 1.2 million residents immediately north of Miami. The county has experienced extremely rapid growth over the last several decades, with a population growth rate of over 60 percent during the 1970s. The rapid growth during the 1970s put a severe strain on the County's roadway system, leading to the adoption of impact fees for roads and a variety of other services in the late 1970s and early 1980s to help pay for needed improvements.

While Broward County has primary responsibility, along with the state, for building and maintaining most of the major roads in the county, the County government seems satisfied with its role as a regional service provider and prefers to leave land use decisions to cities. Unlike Dade County, which has long opposed the growth of cities within its borders, Broward County has actively encouraged incorporation and annexation. In 1980, for example, 83 percent of Broward residents lived in cities, compared to 51 percent for Dade County.

Broward County has had APF-based growth management controls in place since 1981. Under the terms of the County's original program, development projects were required to demonstrate the adequacy of 17 types of facilities. The original APF regulations amounted to a "pay and play" system, under which permits were granted if the development paid impact fees or otherwise shouldered a proportionate share of the cost of system improvements needed to accommodate the development.

In 1985, however, the Florida Legislature enacted the *Local Government Comprehensive Planning and Land Development Regulation Act*, which established the state's "concurrency" mandate for adequate public facilities. According to the *Act*, local governments may not issue development permits unless adequate public facilities for roads, water, wastewater, drainage, solid waste, parks and, in more heavily urbanized areas, mass transit are available at the time (concurrently) that the new development comes on-line.

The Florida Administrative Code sets forth the circumstances under which development permits may be issued:

1. Adequate facilities are in place when the development permit is issued;
2. Adequate facilities are under construction when the permit is issued;
3. Adequate facilities will be in place when the impacts of development occur; or
4. Adequate facilities are guaranteed in a development agreement.

State rules also allow transportation improvements called for in the five-year Capital Improvements Program (CIP) to be included in determining facility adequacy, if it can be demonstrated that the improvements will be available within three years of development permit issuance. For parks and recreation facilities, an additional one-year lag is permitted between the time of permit issuance and facility availability.

Broward County established its concurrency management system in 1989, in direct response to the state *Act*. Since the County's own adequate public facilities system had been in place for ten years, compliance with the *Act* simply required modifications to its existing APF system.

Scope

The Broward County Land Development Code requires that an application for development approval comply with at least ten adequate public facility requirements. These include adequacy of regional roadway network, adequacy of major road rights-of-way, access to major and collector roads, surface water management, potable water supply, wastewater treatment, solid waste collection and disposal, regional and local parks, school sites and buildings, and fire and police protection.

Inadequate roadway facilities have posed the greatest practical constraint to new development in the two years since adoption of concurrency requirements in Broward. Consequently, the County's system is primarily driven by transportation adequacy issues. However, unusually low recharge rates to the surficial aquifer that serves as the source of potable water in south Florida has recently led to the denial of some development permits and at least one land-use plan amendment.

Under the Broward approach, applications for new development must satisfy two "required determinations" relating to the adequacy of regional roadways. First, they must meet concurrency standards within compact deferral areas (restricted trafficsheds which feed nearby overcapacity roadway links). Second, they must meet "adequacy" requirements (fee assessments) for all overcapacity *systemwide* roadways that will be affected by the proposed development.

This essentially means that if a proposed development is located within one mile of an overcapacity roadway, it will not be approved until capacity is restored. If, on the other hand, it is not located near an overcapacity roadway, it may be permitted as long as an impact fee is paid to improve any overcapacity roadways that will be affected by the proposed development.

Relationship to Development Review Process

Broward County has authority for subdivision plat approval countywide and for site plan and building permit approval within unincorporated areas. The County does not approve site plans or building permits within municipal boundaries. Pursuant to the state *Act*, each city is required to have its own concurrency system for site plan and building permit approvals. The following types of development applications are subject to County transportation concurrency requirements:

1. All new plat approvals within the county (unincorporated and incorporated areas);
2. Any change to plat restrictions that would permit more traffic to be generated from the proposed development than originally authorized;
3. Placement of a restrictive note on a plat approved and recorded prior to the local requirement for road impact fees (March 20, 1979); and
4. All site plan and building permit approvals within unincorporated areas if the plat was approved prior to the local requirement for road impact fees.

The construction of a single-family home on a lot platted before adoption of County's concurrency system is generally exempt from concurrency review, although there are caps on the cumulative impact of such exemptions. A project that has received a certificate of concurrency (adequacy) at one stage in the development process is not subject to concurrency review at a later stage in the review process.

Description of System

Broward County's roadway adequacy standard has been established at Level of Service "D". This level of service standard applies uniformly throughout the County for the purpose of concurrency determinations. It has not been revised since it was originally adopted in 1981.

The number of trips that a proposed development will place on a roadway link within the regional roadway network is estimated by a computer gravity model known as TRIPS (Traffic Review and Impact Planning System). On the capacity side, the TRIPS model includes existing roadways, improvements that are under construction, improvements under contract for immediate construction and improvements included in the County CIP or a municipal CIP for which the

Board of County Commissioners has made "a good faith determination" that a contract will be executed within one year.

On the demand side, the TRIPS model is periodically calibrated to reflect existing traffic counts. In addition, the model forecasts traffic estimated to be generated by approved development projects. The land use assumptions are updated continuously to reflect new final plat

applications. The model is updated annually to reflect actual development activity, any revisions to previously approved development plans and new development approvals.

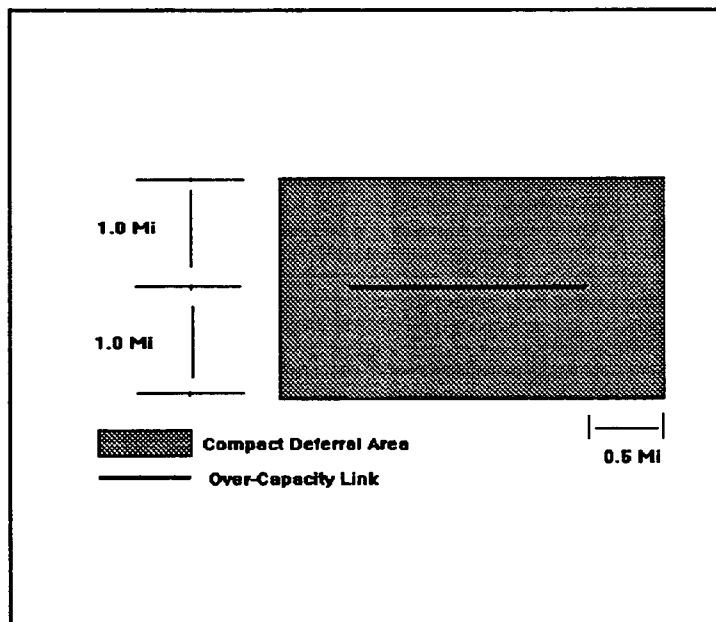
The annual update process takes about six months, including the time required for technical analysis and required public hearings. The County Commission's review and consideration of the annual update has been largely perfunctory; staff

recommended updates and modifications have been approved with little comment. The update effort is aided by the use of an automated development permit tracking system that has been in place since the early 1980s.

Traffic concurrency is measured by comparing the capacity of each roadway link on the regional network to the sum of current traffic on the road and projected traffic from approved, but unbuilt devel-

opment. If this total demand exceeds capacity, the roadway link is considered overcapacity, and a compact deferral area (CDA) is created. A CDA is an area extending for one mile on either side of an overcapacity roadway link, and for one-half mile beyond the end of the link. Within each CDA, no development permit can be issued for a project unless it is exempt from concurrency review. Moreover, a development permit will not

TYPICAL COMPACT DEFERRAL AREA



be issued if a proposed development itself would create a CDA around the development site.

Development permits can be issued within a CDA only if: (1) it can be shown that the project will not place any more traffic on the overcapacity roadway link creating the CDA; (2) that the roadway link is not actually overcapacity (requires a traffic engineering study); or (3) that the property is "vested."

Projects that do not meet the criteria for permit issuance within a CDA have two options. They can wait until the overcapacity roadway link is improved or budgeted for improvement in the County's five-year capital improvements program, or they can propose and fund improvements to the County's transportation system that will mitigate the transportation impacts (on the overcapacity roadway link) associated with the proposed development. If mitigation is demonstrated prior to approval of the development, it is called a "developer agreement." If the application is denied, the subsequent study and mitigation proposal is called an "action plan."

The status of a roadway link as "overcapacity" may change due to any of the following four actions: (1) an approved plat is not recorded within the allowed time and its projected traffic is removed from the records; (2) a property owner requests that use restrictions on an approved plat be amended in a manner that will result in decreased traffic impacts; (3) a property owner submits a traffic engineering study that causes the County to revise roadway capacities; or (4) the data base for the County's traffic model is updated (performed annually). Extra capacity made available by any of the four previously-cited actions is available on a first-come-first-serve basis to those with pending, active applications for development permits from the County, based on the date of application.

Broward County's traffic concurrency system introduces some degree of uncertainty into the development review process, because the status of roadway links changes frequently. Since a concurrency determination is not made until a final plat application is filed (at least six weeks after initiation of the platting process), new CDAs may be created during the plat review process that will affect the ultimate concurrency determination.

The County publishes a monthly CDA map, but it is often out of date soon after its release. The maps provide a sharp illustration of the degree of the County's traffic problems. The July 1, 1991 map, for example, shows the majority of the county covered with CDAs. Roughly one-quarter of the area of the county not located within a CDA is in previously approved Developments of Regional Impact, which are large-scale developments approved under state guidelines and exempt from traffic concurrency requirements.

Administration

County officials estimate that approximately 20 full-time equivalent (FTE) employees are involved in administering the adequate public facilities system in the Broward County Office of Planning alone. Additional personnel in the computer support division, which was created in the early 1980s to implement the adequate public facilities program, are also required to administer the system. Challenges to the accuracy and reliability of the transportation model have been infrequent in recent years, although some applicant-initiated traffic studies prepared in the early years of the system did result in some revisions. There have not been any instances of appeal of an administrative determination to the County Commission.

LIVERMORE, CALIFORNIA

Housing Implementation Program

Background

The City of Livermore is located approximately 50 miles from the core of the San Francisco Bay Area. From the 1870s to the early 1950s, it was a small, relatively independent agricultural community. Beginning in the 1950s, however, the City began to experience very rapid population growth due to its emergence as a bedroom community for the larger Bay Area. By the 1970s Livermore was besieged with a host of growth-related problems. And in the mid 1970s, after passage of a slow growth initiative and an EPA mandate to address growth induced air quality problems, the City adopted its first formal growth management program.

Until 1987, the foundation of Livermore's growth management program was a two percent annual growth rate cap. For most of that time the program was implemented by a fairly cumbersome points-based, competitive allocation system. In 1987, however, in response to difficulties associated with administering the system and widespread frustration with the program's constantly changing focus, the previous growth management implementation system was replaced with a dramatically different approach—the *Housing Implementation Program*.

Livermore's *Housing Implementation Program* (HIP) is intended to implement *General Plan* policies governing growth management and housing. The program applies citywide, although due to the fact that the community is still largely residential in nature with no real industrial or employment base, it does not apply to nonresidential development.

Scope

Each HIP establishes growth management criteria that remain fixed for the ensuing three-year period. The approach allows the City to implement planning objectives by targeting specific types of residential development and specific geographic areas of the community for preferred allocation status.

A new HIP is adopted every three years and includes three basic components: 1) a maximum residential growth rate for the three-year HIP period; 2) an identification of the type and location of residential development that is to be encouraged during the period; and 3) the criteria used in evaluating proposed projects. The HIP is adopted after consideration of a number of issues, including community facility and service capacity, environmental constraints, housing needs and employment growth.

As the first step in the establishment of a new HIP, the Livermore planning staff prepares a background report that contains historical and technical analyses of the factors to be considered in establishing the new HIP. Specific public facilities and services that are monitored and evaluated include water, wastewater, air quality, traffic, parks and open space, schools, police and fire.

Employment and housing data are also examined as a means of assessing the community's overall jobs/housing balance. The City currently has a jobs/housing ratio of 1.26 employees per housing unit or about 3,500 more units than needed to support the local employment population. Attaining a closer balance between the employment and housing components of the community has been a central planning objective in Livermore for the past 20 years.

Description of System

The HIP's growth rate policy is its most fundamental and important element. The City's *General Plan* requires that the HIP's annual growth rate be set at from 1.5 percent to 3.5 percent. The capacity of public facilities and services, as well as environmental resource concerns and employment growth rates serve as the most important determinants of the HIP's adopted growth rate.

For 1991-93, the residential growth rate was set at 2.5 percent per year. Due to the fact that small (less than four units) projects are exempt from the growth management program, actual growth typically exceeds adopted growth rates by 0.5 to 1 percent.

Within the context of the residential growth rate policy, the Livermore HIP is designed to address the *type*, *location* and *quality* of residential development by allocating HIP approvals on a competitive, ranked basis. As a means of ranking projects on the basis of *type* and *location* criteria, the HIP assigns available allocations to two preferred categories: "reserved" and "emphasized." The two categories may be applied independently or together to advance the program's *type* and *location* objectives.

Allocations assigned to the "reserved category" are available only to those projects that meet reserved category criteria. During the second year of the 1991-1993 HIP, 74 percent of the available allocation was targeted to three types of reserved units: 1) projects within a small geographic area of the city; 2) low-cost housing units (rents or sales prices affordable to those with incomes less than 80 percent of median); and 3) small (ten-unit or less) projects.

The "emphasized category" is used to identify a second set of housing type or location preferences.

Unlike the reserved category, emphasized projects compete with non-emphasized projects for allocations, although those in the emphasized category are given preference when HIP approvals are allocated. For the second year of the 1991-1993 HIP, residential projects on public lands were assigned to the emphasized category.

The HIP's "project specific criteria" are used as a means of ranking projects on the basis of site planning and design principles. In essence, these criteria are the HIP's *quality* assurance measures. During the project specific review process, proposed project features are evaluated in terms of their compliance with the City's housing and design policies. The evaluation process entails a comparison of projects with City goals, rather than a comparison with other competing projects. Consequently, it is possible for projects not meeting established criteria to not rank high in terms of project specific criteria, regardless of their superiority to other projects.

Once all of a project's individual criteria have been evaluated, an overall ranking is assigned. Since project excellence is the goal, the process consists of evaluating the *overall* quality of a particular project, rather than simply adding up points or rankings in various areas. As a result of this "big picture" approach, a project that is extraordinarily successful in just a few categories could be ranked higher than a project that has good but not extraordinary performance in a greater number of categories. The following project-specific evaluation criteria are used:

1. Siting (natural/unique features, grading, safety, compatibility)
2. Street/Lot Layout (pattern, integration, pathways, layout, sensitivity)
3. Open Space (quantity, quality, access, facilities, integration, linkages)

4. Landscaping (quantity, compatibility, integration, drought-tolerance)
5. Architectural Design (distinction, variety, scale, sensitivity, conformance)
6. Solar Access/Energy Efficiency (beyond state requirements, site design)
7. Facility Contributions (pedestrian, equestrian or bicycle trails, infrastructure)
8. Innovation (distinguishing and unique design solutions)
9. Location (infill, adequate facilities, environmental compatibility)

As a result of the project specific review process, proposals are ranked into five groups containing projects of similar quality. The first group consists of *Outstanding* projects, the second group *Very Good* projects, the third group of *Good* projects and the fourth and fifth groups of *Average* and

Below Average projects, respectively. After staff reviews, projects are evaluated by elected and appointed officials during a public hearing process. Allocations are ultimately awarded on the basis of an allocation priority system (below).

While the lack of "objective" review criteria might suggest an approach that would be subject to criticism because of its rather open-ended, subjective nature, the system has worked well. According to the system's coordinator, Marc Roberts, staff rankings are rarely switched more than one "click" on the ranking scale during consideration by the Planning Commission and City Council. The system's "know-it-when-we-see-it" approach to design and project quality review has also been praised by site planners and designers as being more flexible than systems that award points for specific project features.

RESIDENTIAL ALLOCATION PRIORITIES

Project Specific Review Ranking	HIP Categories		
	Reserved	Emphasized	Non-emphasized
Outstanding	1st Priority	4th Priority*	7th Priority*
Very Good	2nd Priority	5th Priority*	8th Priority*
Good	3rd Priority	6th Priority*	9th Priority*
Average	**	**	**
Below Average	**	**	**

* Not all emphasized projects must be granted allocations before non-emphasized projects in the same quality range.

** "Average" and "Below Average" projects do not normally receive any allocations even if units are left over after awarding allocations to "9th Priority" projects.

Relationship to Development Review Process

In Livermore, projects are considered for HIP allocations prior to being reviewed for subdivision approval. City regulations, in fact, prohibit consideration of subdivision (tract map) requests until projects have received HIP allocations.

Allocations are made annually during each three-year HIP. Application submittal deadlines are staggered. During the first year of the HIP period, allocations are made in the late fall. The second year's applications are considered the following summer. In the third year, allocations are made in the early spring. The staggered schedule allows adequate time after the third year's allocations to prepare and adopt the next three-year HIP prior to the next application deadline.

Livermore's *General Plan* exempts small residential projects from the growth management program. To qualify for an HIP exemption, a property must have been a lot of record before 1983, place not more than four units on the entire remaining parcel, and be surrounded on three sides by developed residential properties or non-residential plan designations. Only projects with the appropriate *General Plan* land-use designation are eligible for an exemption.

Administration

It typically takes from 12 to 15 weeks to complete the entire HIP allocation process. The process begins with an optional preapplication conference. After submittal of the application, staff conducts a preliminary review during a three-week period, followed by another two weeks of design review.

Final project review and staff recommendations take another two weeks. Within eight weeks of submittal, the application is transmitted to the Planning Commission for a recommendation, after which it goes to the City Council for final action.

Of the eight full-time equivalent (FTE) planners on the Livermore staff, four are typically involved in the review of HIP allocation requests. Local officials estimate that the four FTEs involved in the review process spend up to half of their time on HIP reviews for about six to eight weeks every year. One staff planner is charged with coordinating the City's growth management program, a responsibility that consumes about 20 percent of the planner's time.

The first step in the establishment of a new HIP entails the planning staff's preparation of a background report that contains the data and analyses to be considered in establishing the new three-year program. The background information is then analyzed by the City's Growth Review Committee (GRC). The GRC is responsible for recommending an annual growth rate and targeted categories for each HIP.

The HIP preparation and adoption process takes approximately six months to complete. One full-time staff member is charged with preparing the background data and coordinating the GRC, Planning Commission and City Council workshops and hearings. Of the six months required, the FTE spends about 20 percent of available time working on the new HIP.

PETALUMA, CALIFORNIA

Residential Growth Management System

Background

Petaluma is an exurban community in the San Francisco Bay Area. It became reasonably accessible to San Francisco commuters in 1956, when U.S. Highway 101 was widened. As housing prices in the Bay Area began to skyrocket, the community began to grow fairly rapidly.

The City had grown from around 10,000 people in 1950, to about 25,000 in 1970. It then experienced a rapid growth spurt, increasing by about 5,000 people (10 percent per year) in two years. Citizen concerns with the accelerating growth and its implications for their lifestyle led to widespread cries for adoption of growth management controls by the late 1960s.

While the City was studying its growth control options, it first instituted a moratorium on rezonings and then a moratorium on annexations. Both moratoria were adopted in early 1971. By mid-1971, the City had adopted new development policies that established a basis for a so-called "Environmental Design Plan." That plan then led to the adoption, one year later, of the City's first growth management ordinance. Originally termed a "Residential Development Control System" (now the "Residential Growth Management System"), the initial ordinance was adopted by City Council in August of 1972. Local citizens supported it by a margin of 4-to-1 in an advisory referendum the following year.

As part of its growth management plan, Petaluma also adopted an urban limit line designed to limit the population of the City to 55,000 over a 20-year period. That stood in stark contrast to the City's own 1962 planning projection of 77,000 residents

by 1985. The federal district court that reviewed the plan found, as a matter of fact, that the City had "purposefully" limited its public facilities, including an apparently arbitrary limit on the water supply available to it from a regional water district.

The system was challenged in court almost immediately, and was struck down by the U.S. District Court, based on extensive findings of fact. As indicated above, that court found that the city did not have significant or unsolvable capacity problems and that it was simply manipulating capacity as a justification to establish its desired rate of growth. The Ninth Circuit Court of Appeals reversed the District Court's decision, basically on the grounds that the federal courts lacked jurisdiction of such a case.

The jurisdictional issue in the case had been tenuous from the beginning, because it was based on the "right to travel," a concept arising primarily from a 19th Century case involving the sale of a railroad ticket and the protection of that transaction under the Commerce Clause. The U.S. Supreme Court denied *certiorari* in the case, meaning that it declined to review the case on its merits. Consequently, although proponents of the Petaluma plan argue that it was "upheld" by the U.S. Supreme Court, the only court that, in fact, ever considered it in depth struck it down, a decision that was only later reversed on technical grounds.

Scope

The Petaluma system regulates only residential development. As an explanatory booklet on the system explains, "[t]he system is designed solely to regulate the number of residential allotments granted according to General Plan policy." It relies on other existing development review processes to address environmental review, project design, aesthetics, land-use, circulation and other issues.

Description of System

There is no public facility capacity and demand analysis related to the Petaluma system, because it has never been based on capacities. Although the City argued in the court case testing the system that it had a shortage of water and wastewater capacity, the district Court found, after a hearing, that the City had "purposefully" limited its water supply and that substantial additional sewage treatment capacity was under construction and would soon be available. The fact that commercial and industrial development and a number of types of housing projects are exempt from the system indicated, in the court's mind, that the system was not driven by a shortage of capacity.

The number of units to be built is not updated annually. The ordinance itself establishes a somewhat flexible limit of 500 units per year and a rigid limit of 1,500 units every three years. Although the current ordinance and background material indicate that they are based on a 1987-2005 General Plan, the basic allocation of five hundred units per year is exactly the same as the one contained in the original 1972 ordinance.

There are exemptions for multi-family housing for the elderly, "very-low and low-income units" and small projects. The small project exemption applies to projects on less than five acres of land that contain less than thirty units, but the ordinance limits such a project to no more than 15 units per year. Allotments to small projects are deducted from the available allocation pool for a future period through a borrowing process, but other exempt projects have no effect on the pool.

The Petaluma system includes provisions for an appeal to the City Council of "discretionary decisions of the Community Development Department." However, the key decision—allocation of the permits—is actually made by City Council itself.

Although the system does not involve formal "developer agreements," there is a provision that allows the City Council to award "reservations," which amount to an advance allocation of dwelling units for the following year. The reservation provisions of the ordinance provide a developer with the opportunity to gain more certainty than is possible with year-at-a-time allocations. The City is limited to granting a total of 250 reservations in any year.

The Petaluma program is significant largely for its pioneering role in establishing growth management as a legitimate planning practice. Mayor Helen Putnam and Planning Director Frank Gray (later director in Boulder and now in Denver) traveled the country speaking about the Petaluma program. Although Boulder is the only community that adopted the Petaluma program in largely its original form, Petaluma, like the little town of Ramapo, New York, helped to establish the concept firmly in the planning profession and in local government.

Petaluma was essentially a "first generation" growth management program, and it is really the only first generation growth management program that remains in effect in its original form today—even the number of residential units that can be constructed each year (500) remains exactly the same as it was in 1972.

Relationship to Development Review Process

The system controls the creation of lots through the tentative map (preliminary subdivision plats) process. The controls are instituted at the site plan stage for projects that do not require subdivision. Under the system, developers are expressly allowed to process rezonings, plan amendments, environmental reviews, annexations and "other necessary approvals not directly resulting in the division of land or construction of residential

units." Growth management review occurs essentially in the middle of the City's development review process.

Administration

There is no administrative burden associated with updating the Petaluma program, because no updating is required. Administration of the application process was greatly eased by the 1988 amendments to it.

Under the prior system, projects were rated on a "merit" basis under a point system that required rigorous staff review. At that time, however, there were insufficient allocations to meet demand (something that has not been a problem in recent years). Projects are measured against "Development Objectives" established by City Council by Resolution each January.

SAN JOSE, CALIFORNIA**Area Development Policy****Background**

While the City of San Jose has no formal *citywide* annual growth policy or APF regulation, it has instituted such controls on an areawide basis since the early 1970s, when the City Council's "Area Development Policy" was adopted. The only current use of the Area Development Policy concept in San Jose is in the 5,900-acre Evergreen planning area on the City's east side.

The policy was adopted in 1975, in response to anticipated development pressure in the Evergreen area. The policy constitutes a residential development permit allocation system based on transportation capacity. No limits are imposed on nonresidential development.

According to San Jose planner Charles Johnson, the system targets residential development because of the fact that it is intended to address peak-hour traffic congestion associated with commuting patterns in the area. Since there are no major employment centers within the Evergreen area (and none could realistically be developed under the City's Land-Use Plan), it is believed that limits on

CONTEXT FOR EVERGREEN AREA DEVELOPMENT POLICY	
1975	City Council adopts Evergreen Area Development Policy
1979	City Council adopts criteria for evaluating pending area development applications.
1980	Staff determines that transportation capacity exists to accommodate 800 additional dwelling units in Evergreen area and that planned roadway improvements (new interchange) will ultimately provide capacity for another 1,600 additional units.
1981	City Council approves projected phasing plan for development of the 2,400 dwelling units for which capacity was determined to exist in 1980.
1984	City Council approves final design for intersection improvement project that will ultimately provide capacity for 800 additional dwelling units.
1985	City Council approves 800-dwelling unit allocation, pursuant to 1984 intersection project approval.
1988	City Council approves reallocation of previously allocated but unbuilt projects.
1989	New interchange opens and intersection improvements are completed.
1989	City Council approves 2,610-unit planned residential development in Evergreen area, pending results of revised traffic analyses conducted pursuant to earlier roadway improvement projects.
1990	Traffic counts and analyses show adequate capacity at screened intersection to accommodate previous approvals plus an additional 830 residential units.

residential development represent the only reliable means of ensuring adherence to adopted transportation LOS policies in the area.

Scope

The overriding goal of the Evergreen Area Development Policy is to maintain an average of LOS "D" for the six major intersections that bound the study area. The policy applies to identified perimeter intersections only. Traffic impacts that are internal to the Evergreen area are addressed on a project-by-project basis during the development review process, at which time project impacts and any required mitigation measures, including impact fees, are identified.

Description of System

The Evergreen Area development policy is implemented in three steps:

1. Allocation of new dwelling units based on existing and projected surplus road capacity;
2. Distribution of allocations to pending development applications (tentative maps, site development permits, rezoning applications); and
3. Issuance of development permits concurrent with the completion of roadway improvements and reduction of the "allocation balance" as certificates of occupancy are issued.

To determine traffic capacity limits under the Evergreen Area Development Policy, staff conducts annual traffic counts at all "screening" intersections and calculates LOS on a weighted average basis. The 1990 analysis, for example, was performed for four scenarios:

1. EXISTING - Existing Development;

EVERGREEN AREA LOS DETERMINATION, 1990				
INTERSECTION	EXISTING LOS (V/C)	EXISTING + APPROVED	ALLOCATION LOS (V/C)	SCPRC LOS (V/C)
Capitol/Silver Creek	E (0.907)	E (0.918)	E (0.932)	E (0.951)
Capitol/Story	F (1.010)	F (1.030)	F (1.040)	F (1.050)
King/Story	E (0.926)	E (0.950)	E (0.966)	E (0.980)
King/Tully	C (0.777)	C (0.796)	D (0.800)	D (0.815)
Story/White	C (0.785)	C (0.789)	C (0.797)	D (0.817)
Silver Creek/Yerba Buena	A (0.324)	A (0.324)	A (0.346)	A (0.511)
Single Weighted Average	D (0.808)	D (0.822)	D (0.833)	D (0.869)

Note: City's adopted minimum LOS "D" = V/C ratio of 0.899

2. **EXISTING + APPROVED** - Existing Development plus Approved (Nonresidential) Development;
 3. **ALLOCATION** - Existing Development plus Approved Development plus Unbuilt Allocated (Residential); and
 4. **SCPRC** - Existing Development plus Approved Development plus Unbuilt Allocated plus 2,610-unit Planned Residential Development.
3. Project will be carried out in a timely fashion;
 4. Project is an infill site or will complete a neighborhood; and
 5. Project will be served by existing or programmed public facilities.

The 1990 Evergreen area traffic analysis revealed that the weighted average LOS at the six identified screening intersections serving the Evergreen Area was "D" ($V/C = 0.869$). In order to provide an estimate of the maximum (theoretical) residential growth that could occur in the area while still maintaining an average LOS "D," critical volume analyses for the six screening intersections were recomputed to identify the point at which LOS would drop to "E" ($V/C = 0.899$). Based on the results of that work, the planning staff concluded that there was existing intersection capacity to serve an additional 830 residential allocation units within the area, over and above the 2,610 units given tentative approval of 1989.

As a means of allocating the increased traffic capacity among proposed projects, pending development requests were evaluated. This evaluation involved an assessment of projects' compliance with adopted *General Plan* policies and land development standards. It also included an appraisal of their compliance with the following allocation criteria.

1. Project will contribute to an increased quality of development in the area;
2. Project will help balance housing types and prices;

At the time of the 1990 allocations, there were pending development requests for a total of 946 residential allocation units. Of the 830 allocation units available pursuant to the 1990 traffic analysis, 757 were awarded to pending projects, while the remaining 73 were placed in a pool of reserve units that is used to accommodate small (less than ten units) infill projects.

Two pending requests, totaling 178 units, were not recommended for allocations, due to the fact that they did not comply with the City's *General Plan*. Two other requests, for two and nine units respectively, were recommended for allocation from the reserve pool.

While annual traffic analyses will continue to be conducted for the Evergreen area in the future, no further allocations will be available until such time as the City determines that intersection improvements or other factors have caused an increase in traffic capacity at the screening intersections.

Relationship to Development Review Process

Since the Evergreen Area Development Policy applies only in the Evergreen area, the allocation process has never been integrated into the City's overall development review and approval process. In the past, projects have completed most required development review stages prior to being considered for allotments.

Because allocations are only available from time to time under the San Jose system, all proposed projects are eligible for allocations, regardless of whether they have actually entered the City's development process. In fact, even development proposals that have not been formally submitted for any required reviews may receive allotments by submitting a letter requesting available allocations.

Administration

Administering the San Jose program has not been particularly demanding. Local officials estimate that the annual traffic count updates, technical analyses and area development monitoring activities require the services of two full-time employees for approximately two weeks every year.

Neither the Development Policy approach or the LOS determinations that drive the Evergreen Policy have ever been challenged. Nonetheless,

due to the fact that the controls have resulted in a fairly unpredictable environment for developers and service providers, the City is now preparing a new master plan for the Evergreen Area that is intended to replace the existing Area Development Policy.

The new plan will result in amendments to the City's *General Plan*, including the adoption of a revised land-use map for the area and the identification of those transportation improvements (and funding sources) necessary to accommodate future development buildout in the area. Once in place, the revised Evergreen Area Master Plan should serve to permit development in the area while ensuring compliance with adopted transportation LOS standards. According to local planners, it remains to be seen if the new master plan will impose development phasing controls within the area.

WESTMINSTER, COLORADO

Service Commitment Program

Background

Westminster is a northern suburb of Denver. The City lies in two counties (Adams and Jefferson) and three school districts. Like the other suburbs it adjoins, the City was developed as a bedroom community in the 1950s and 1960s. By the mid-1970s, when the population was nearing 20,000, Westminster was still largely residential in nature and was served by a single mall with two anchor stores. It had no grocery store and no downtown. Today, the City has a population base that exceeds 60,000, a five-anchor regional mall and a number of office buildings and other commercial enterprises.

Westminster's growth over the past 20 years has not been steady. The community experienced a strong apartment and condominium construction boom during the early 1970s. The boom ended, in part, because of a lack of demand for the particular units and, in part, because of a general downturn in the Denver area real estate market. During the boom growth years, the City pursued an aggressive annexation agenda and quickly extended public services to newly annexed areas. As a result of those early facility and service extension policies, particularly those involving water and wastewater service, Westminster incurred substantial bonded indebtedness in the early 1970s.

Development was dormant, if not depressed, in the community until late 1976, when the area real estate market began to revive. After witnessing the issuance of permits for more than 1,000 dwelling units in the first quarter of 1977—a supply with the potential to accommodate a population increase greater than in all of 1976—the Westminster city manager recommended that the City Council adopt

a short-term moratorium on new building permits in order to give staff time to study the City's ability to serve and absorb the ensuing growth.

During the 90-day moratorium, City staff and consultants determined that:

1. Water and wastewater service was available to serve about 2,900 new dwelling units before additional capacity would be necessary;
2. Additional wastewater capacity would not be available for two to three more years, with additional water capacity being phased in over that time; and
3. More than 20,000 dwelling units and over 8,000 lots had received some sort of prior development approval (PUDs and plats).

The City was relying on revenue from "tap fees" assessed on new water and wastewater connections to help amortize the bonded indebtedness on the water and wastewater lines. Since those tap fees, an early form of impact fees, generated millions of dollars a year in revenues for the City, maintaining a reasonable level of development was a top priority for local officials.

It was in that context that in mid-1977, the City adopted its first growth management program. The program was designed to phase the City's remaining water and wastewater capacity (representing 2,900 dwelling units) over the two-and-one-half-year period that remained before substantial new capacity would be available. Because so many developments had already received some form of approval, the City established a requirement that a developer obtain a specified number of "service commitments" prior to obtaining a building permit. One "service commitment" was equal to the projected water and wastewater needs of one single-family dwelling; projected demand for other use types was pro-rated

on a single-family equivalency basis but still measured in terms of service commitments.

After careful consideration and a great deal of discussion, the City decided not to allocate service commitments among geographic subareas of the City. Although parts of the community were served by two entirely separate sewage treatment systems (one belonging to the City and the other to a regional entity), the City decided that it would simply make its own adequate public facility analysis on each unit, as it always had done, but manage the allocations community-wide. The City did, however, decide to allocate available service commitments among the following six categories. Projects in the last four categories were subject to review by the City Council, while residential projects were subject to a competitive allocation process.

1. Projects in progress;
2. New residential projects;
3. Nonresidential projects;
4. Extraterritorial service areas;
5. Special categories (including public housing and single lots owned by individuals on the date of adoption of the program); and
6. Special uses.

One of the underlying policies of the Westminster growth management program was to encourage the build-out of projects already in progress. Although some allocations were reserved each year for new projects, a large proportion of early allocations were reserved for continuing projects. That strategy worked well, and most projects had been built-out or completely abandoned by the early 1980s.

The initial growth management program expired in 1980, at which time a re-examination of the program's efficacy was conducted. After that examination, the system was re-adopted in substantially its original form. The only real substantive revisions made to the program at that time involved changes in the criteria used for awarding service commitments in the competitive process. The emphasis in the original program had been largely on infrastructure—projects completing line loops and critical collector roads, those offering extra water conservation or otherwise helping the City to meet basic goals—were given priority. Under the revised guidelines, there was a greater emphasis on the design quality of projects.

Westminster's growth management program expired again in 1990, and was again readopted. The existing ordinance is very similar to the original ordinance adopted in 1978. Since the Colorado real estate market has been in a slump for several years, there has been little development pressure on the system in recent years. The City's existing program is basically on "stand-by;" it remains on the books in anticipation of the time when it may be needed again. Current demand is so far below the City's ability to provide services that the operational aspects of the program are inconsequential at this time.

An important thing to understand about the Westminster program is that it evolved to serve the specific needs of the City. After reviewing other growth management systems that were in use at the time (including the one in nearby Boulder), the community rejected all of them as too simplistic for the complex growth problems that it faced. It is also important to understand that Westminster's program was never intended to promote a "no-growth" agenda. Because of the heavy bonded indebtedness incurred during the early 1970s, the City desperately needed the revenue from its water and wastewater tap fees at the same time that it

was short on capacity to serve that growth. As a result, the Westminster system has always focussed on "balanced" growth.

The origins of the Westminster program share some similarities with Montgomery County. When Montgomery County began its growth management program, the proposed expansion of wastewater facilities into the Washington suburbs was politically and environmentally controversial. The ensuing controversy served to delay the expansions, and it was the resulting shortage of facilities that led to early concern with growth controls in Montgomery County, Fairfax County and other capital area suburbs. Westminster faced similar problems. Because it is part of a smaller metropolitan area, it has never faced the serious transportation problems facing Montgomery County.

There is one other significant difference between the programs. When Westminster first adopted its program, City officials discussed seriously whether schools should be a factor in the growth phasing program. Schools in the district serving the largest portion of the community were badly over-crowded, and the district had even developed a concept of "cottage schools," consisting entirely of clusters of temporary classrooms.

The reason for overcrowding in the wealthy district was very simple—voters had repeatedly rejected bond issues for capital construction. Under those circumstances, Westminster officials decided not to include schools in the equation. First, because making the problem worse was probably essential to creating a crisis situation that would lead to passage of a bond issue, and second, because the district needed new voters with school-age children, exactly the type of residents likely to populate the growing suburb.

Scope

Despite the fact that City objectives and the growth management system's review criteria actively promote a diversification of the market—the addition of more jobs, an increase in shopping opportunities and an increase in the variety of housing types—all types of development projects are subject to review under the system. Because the City allocates service commitments by project type as a part of the, different categories of projects do not compete against one another.

Relationship to Development Review Process

The issuance of service commitments is now largely tied to "Official Development Plans," the designation given to final PUD plans and site plans in Westminster. ODPs are usually filed for only a portion of a development, in accordance with a phasing program that is required during the Preliminary Development Plan approval process.

Because there were many projects on the books that had received some form of preliminary approval, and because some remnants of those old approvals remain on the books today, the ordinance actually conditions the approval of plats (which normally accompany or follow ODPs) and building permits on the existence of service commitments. However, once a service commitment is issued, it generally remains valid for two years. As a result, service commitments represent an encumbrance of facility capacity; during the two-year period, service commitments are essentially vested and not subject to further review.

Description of System

Under the Westminster approach, public facility capacity analysis is based on "actual" capacity. Because the controlling factors in the system are

water and wastewater capacities, capacity determinations are based on engineering considerations, projections of rainfall and potential changes in the pattern of user's demand, rather than level-of-service policy decisions. Although there are some policy considerations built into the system (e.g., mandatory water conservation standards and quality design and construction criteria), the annual capacity determination is basically a function of the deliverable raw water supply (which at has been limited at times by both supply and treatment/delivery capacities) and the BOD-handling capacity of the wastewater treatment plants.

Demand analysis is computed from units built plus issued service commitments. Units built are tracked through a computerized building permit monitoring system. Capacity and demand analysis could both be updated more often than annually, because the data is constantly available. However, it has been the City's practice to update the analysis annually in preparation for a new round of annual allocations.

Westminster staff updates the capacity and demand analyses annually and prepares a recommendation of the total number of service commitments that can be allocated, based on the net available supply. The City Council ultimately approves the allocation by resolution. The determination of the total number of service commitments to be issued is a technical one requiring little staff time and essentially no policy analysis.

In years when development demand has exceeded the available supply of service commitments, the City Council has been involved in policy discussions with the staff about what portion of the total service commitments should be allocated to each development category. Recently, the allocation percentages have simply been carried forward from year to year, because there has been adequate capacity in each category.

The annual allocations apply to the entire City, as well as a limited extra-territorial service area. There is a separate review of the actual adequacy of public facilities to serve a particular development, and developers are required to cure any site-specific deficiencies in off-site improvements. Cost-recovery agreements allows developers to ultimately recover some of those costs, through back-charges on subsequent developments that benefit from the improvements.

There are no exemptions, appeal provisions or developer agreements under the Westminster approach. Although no projects are exempt, it is important to note that there *are* specific allocations for public uses and for "special" uses, such as individual lot owners and public housing projects. Recent revisions to program allow small projects to be approved administratively. The administrative approval process entails an award of service commitments in accordance with adopted ordinance standards. In essence, it exempts small projects from part of the process but not from the objectives and standards of the ordinance.

Westminster's program has never included an appeal process. There was some early litigation, including three suits that were brought by foreclosing lenders whose inactive projects were given a lower priority than those projects that had remained active. After a series of court victories by the City, there were no further challenges.

Although the system does not rely on the use of developer agreements, Westminster's PUD process contains many of the elements of a typical developer agreement. The Preliminary Development Plan contains a binding phasing schedule, and both preliminary plans and official development plans lapse if they fall substantially behind schedule. The award of new service commitments is typically tied to a detailed ODP, that controls the platting process; the service commitments themselves are treated by the City as

encumbered (or vested) and thus give the developer the same level of protection that a developer would have under many agreements.

A developer is expected to mitigate deficiencies in off-site facilities directly affected by the development. That policy does not, however, affect the allocation of service commitments because those allocations are based on total *systemwide* capacities. The Westminster system has always been performance-driven—if a developer were to propose paying for a major expansion of the sewage treatment plant and interceptor lines, the City would probably be inclined to give credit for it. Such a situation has never arisen, partly because of the fact that the City has been very aggressive in expanding its own capacities. Since the crisis period of the late 1970s, the City has remained in generally good fiscal health and has been able to fund any reasonable level of improvements likely to be needed.

Administration

The current system of administering the application side of the system is not particularly relevant to this study, because there has recently been no competition for the service commitments. Westminster has, however, always maintained a relatively small planning staff and has administered the system internally.

The capacity analysis of the City has been updated annually since the program began. In recent years, the updating process has been fairly simple. Since capacity has so greatly exceeded supply, the Planning Director has been able to simply estimate annual growth demand and propose a balancing supply of service commitments.

When the program was under pressure, however, the issues involved in updating it were not dissimilar to those faced by Montgomery County. Water was the most critical variable over the long-run. Water supply in the arid western states is somewhat like transportation capacity—it involves as much professional judgment as it does technical engineering considerations.

Water rights in many areas are based on a priority system in which the right-holder with first priority draws all of its water from the stream before the right-holder with the next priority draws anything. Most water rights that are "in play" in the market are relatively junior rights which, in a dry year, may yield nothing. Thus, analyzing the capacity to deliver water to residences involves, to a certain extent, predicting the weather and predicting the demands of other water users. In addition, changes in water rights involve contested court hearings. Such proceedings were constantly in progress through the early years of the Westminster program.

In that context, the professional staff of the City and its consulting water and wastewater experts (water lawyers as well as engineers involved with both issues) conducted an annual two-day workshop/meeting in a local office away from City Hall. That meeting would result in the development of the capacity analysis used by the Planning Director as the basis for the annual service commitment allocations. Then, over a period of several weeks, the Planning Director would develop the recommendations for the allocations and present those to City Council for ultimate adoption by resolution.

APPENDIX: SCREENING SURVEY REPORT

Survey Response

Survey forms, as well as a cover letter explaining the project, were mailed to 19 jurisdictions. Respondents were asked to return the completed survey (fax or mail) by July 26. At the end of business on July 26, we had received ten survey responses. On August 1, follow-up phone calls were made to those jurisdictions that had not yet responded, and, by August 7, a total of 17 survey responses had been received. The final response rate for the initial screening survey was 89 percent (17 out of 19).

Summary of Key Findings

While all of the survey questions were designed to provide useful insight into the jurisdictions' approaches to growth management and ensuring facility adequacy, the two key questions were "Does your jurisdiction have an Adequate Public Facilities (APF) regulation" and "Does your APF regulation or accompanying legislation establish development quotas."

Twelve of the respondents indicated that their jurisdictions had an APF regulation, while 5 answered "no" to the question. Only three of the communities that have an APF regulation implement it by means of permit allocations or quotas, according to the survey responses. On the other hand, two of the five communities that don't have an APF regulation *do* have legislation establishing permit quotas. Of the five communities that have permit allocation systems,

all indicated that the quotas are established legislatively by the governing body.

Recommended Candidates for Detailed Study

Since the County's primary objective in this study is to determine if other communities with growth management controls that are similar to Montgomery County's have a less cumbersome and time-consuming process for administering them, we strongly recommend that the three jurisdictions with APF regulations *and* quota systems—Boulder, Livermore and Westminster—definitely be included in the detailed study (Task 2). Although the two other jurisdictions with quota systems—Aspen and Petaluma—indicated that their systems are not really a part of an APF-based regulatory program, we recommend that they too be included in the detailed study, since some insight into alternative approaches with quotas may be gained from their experience.

We also recommend that two communities without quota systems, but with APF programs, be included in the detailed study. We make this recommendation on the basis of two assumptions: 1) it is very likely that the issues involved in quota updates in other communities with permit allocation systems are similar enough to be useful in this study; and 2) it is quite possible that a study of communities with active and successful APF regulations of any kind may reveal viable alternative approaches. The recommended study candidates are as follows (listed alphabetically):

Aspen/Pitkin County, Colorado. Aspen/Pitkin's growth management system was adopted in the mid-1970s. The driving force behind the system—the *Growth Management Policy Plan*—was originally adopted as means of balancing growth and development with capital facilities, although it was never tied to actual facility capacity or a CIP and quickly became a system based more on community character and local values than on facility adequacy. Nonetheless, it has a fairly long history and is locally considered to be quite successful. Aspen is a resort community, and largely because of that fact, it has succeeded with a program that is far more restrictive than any that we are aware of in the U.S. Despite these limitations, we recommend its inclusion in the study.

Boulder, Colorado. Boulder also has a long history of growth management. The City's quota system is not, however, tied to an APF ordinance or a CIP; it is established by a separate building permit allocation system. The quota was initially adopted by voter initiative and, like Aspen's system, it has often revolved more around political considerations than detailed empirical analysis. While the entire Boulder experience may not be directly transferable to Montgomery County, it is recommended as a detailed study candidate in the belief that useful information can be gained from their system.

Broward County, Florida. Although Broward County does not have a formal quota system, they do have a long-standing APF program, which was in place long before Florida's state-mandated concurrency requirements. Based on the County's survey response and our knowledge of the program, it appears that the considerations involved in the Broward's program are similar to the considerations involved in updating allocation levels in Montgomery County. The County's system is recommended for further study.

Livermore, California. As in Boulder, Livermore's system grew out of a voter initiative in the mid-1970s. The screening survey response indicates that the City's process may be similar to Montgomery County's and the respondent indicated a great willingness to participate in the study. We feel that the community may be an excellent candidate, and we recommend their inclusion in the detailed study.

Petaluma, California. Petaluma received a great deal of publicity for its early growth management program. The program is still in place, although it is not tied to an APF ordinance or CIP. We don't believe that Petaluma experienced strong growth pressures during the 1980s. Consequently, the transferability of their experience may be limited. The City's system is recommended as a study candidate, because of its long history with quotas.

San Jose, California. San Jose has made use of quotas in selected areas of the City, although the community does not have as comprehensive quota program. The City's growth management policy is set out in the comprehensive plan rather than a separate ordinance. The considerations involved in adopting the occasional quotas appear to share common features with Montgomery County's approach, and we recommend that the community's system be included in the detailed study.

Westminster, Colorado. The Westminster quota system, originally adopted in 1978, is an integral part of its APF program. The quotas are updated annually through resolutions based on staff recommendations. The ordinance itself contains criteria for the quotas, so that development of the numbers by staff is largely a technical exercise. The Westminster approach appears to be the most immediately transferable of any of those identified in the screening survey and we recommend its inclusion in the detailed study.

SCREENING SURVEY RESPONDENTS

Jurisdiction	Contact Person	Phone
Respondents		
Aspen/Pitkin County, CO	Amy Margerum	303/920.5095
Boulder, CO	Ed Gawf	303/441.3090
Broward County, FL	Don Kowell	305/357.6604
Carlsbad, CA	Michael Holzmiller	619/438.1161 x-4430
Collier County, FL	Bill Lavery	813/643.8409
Fairfax County, VA	Lynda Stanley or James Zook	703/246.3525
Fort Collins, CO	Tom Peterson	303/221.6750
Indian River County, FL	Sasan Rohani	407/567.8000 x-250
Livermore, CA	Marc Roberts	415/373.5200
Los Angeles, CA	Alan Bell	213/237.0130
Palm Beach County, FL	Anita Gonzalez	407/233.5332
Petaluma, CA	Warren Salmons	707/778-4301
Pinellas County, FL	Brian Smith	813/462.4751
San Jose, CA	Gary Shoenauer	408/277.4754
San Diego, CA	Paul Fistie	619/533.3697
St. Marys County, MD	Jon Grimm	301/475.4449
Westminster, CO	Larry Hulse	303/430.2400 x-2124
No Response		
Anne Arundel County, MD		
Napa County, CA		

SUMMARY OF SCREENING SURVEY FINDINGS

Question	Response			
Does your jurisdiction have an Adequate Public Facilities (APF) regulation?	Yes (year of adoption)		No	
	Boulder, CO (1977)	Aspen, CO		
	Broward Co., FL (1981)	Fairfax, CO. VA		
	Carlsbad, CA (1986)	Los Angeles, CA		
	Collier Co., FL (1990)	Petaluma, CA		
	Fort Collins, CO (1981)	San Diego, CA		
	Indian River Co., FL (1990)			
	Livermore, CA (1976)			
	Palm Beach Co., FL (1990)			
	Pinellas Co., FL (?)			
	San Jose, CA (1970)			
	St. Mary's Co., MD (1990)			
	Westminster, CO (1978)			
Does your APF regulation or accompanying legislation establish development quotas (permit allocations)?	Jurisdictions with APF Regs		Without APF Regs	
	Yes	No	Yes	No
	Boulder	Broward Co.	Aspen	Fairfax Co.
	Livermore	Carlsbad	Petaluma	Los Angeles
	Westminster	Collier Co.		San Diego
		Fort Collins		
		Indian River		
		Palm Beach Co.		
		Pinellas Co.		
		San Jose		
		St. Mary's Co.		